This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

Author and Title

Wisconsin. Laws, statutes, etc.
Wisconsin session laws.

Call Number	Volume	Copy
KFW 2425 A223	1853- 1856	

THIS BOOK DOES NOT CIRCULATE
OUTSIDE THE BUILDING

NAME	LOCATION

Wisconsin. Laws, statutes, etc.
Wisconsin session laws.

KFW vol
2425 1853-
A223 1856

GENERAL ACTS

PASSED BY THE

LEGISLATURE OF WISCONSIN,

IN THE YEAR

EIGHTEEN HUNDRED AND FIFTY-THREE,

TOGETHER WITH

MEMORIALS AND RESOLUTIONS.

PUBLISHED BY AUTHORITY.

MADISON:
PRINTED BY BERIAH BROWN.
1853.

2 5 1970

GENERAL STATUTES.

An Act to allow appeals to be taken from the decision of the Register of the State Land Office. **Chap. 1.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all cases of conflicting pre-emption claims to lands granted to this state to aid in the improvement of the Fox and Wisconsin rivers, which may be decided by the register of the state land office after the fifteenth day of January, A. D. 1853, it shall be lawful for any party aggrieved by such decision, to appeal to the circuit court of the county where the land lies, within sixty days after such decision shall be made; and until the expiration of the said sixty days the register shall issue no certificate to the successful claimant; and in case of an appeal within that time, no certificate shall be issued until the decision of said court shall be made and certified to said register.

Appeal may be taken to circuit court.

SEC. 2. The party bringing such appeal shall, within the said sixty days, cause a notice thereof to be served on said register, and execute and file with him a bond to the opposite party, with sufficient sureties, to be approved by said register, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

Notice to be served on register.

SEC. 3. Within ten days after the bringing of any appeal, as aforesaid, the said register shall cause the notice of appeal and bond, together with the testimony and other papers in the cause, to be filed in the office of the clerk of the circuit court; and the said court shall proceed to try and determine the matter, without further or other testimony than that submitted to the register, unless the said court shall otherwise order: *Provided*, That it shall be competent for the parties to stipulate to try any such

Bond to be filed with clerk of court.

cause by a jury, in the same manner as other jury causes are tried in said court.

Return to be made to court.

SEC. 4. If a return shall not be made by the register, according to law, either party may file with the clerk of the circuit court an affidavit stating that such appeal has been duly made, and that the register has failed to make his return to such court, according to law; whereupon the court may compel such return by order or attachment.

Court can compel to amend return.

SEC. 5. Upon satisfactory evidence that the return of the register is substantially erroneous or defective, or does not contain all the evidence submitted to him, the court may in like manner compel him to amend the same.

Register may issue certificate.

SEC. 6. The court in which any such appeal shall be tried, shall make an order that the register issue a certificate for the land in question to the successful party, and award costs against the losing party, and enter judgment therefor against said party and his sureties

May be removed to supreme court.

SEC. 7. The cases provided for in this act may be removed to the supreme court by a peal or writ of error, as in other cases; and the said court shall, on the hearing of any such case, by order, affirm or reverse the order of the court below.

Certificate to be issued.

SEC. 8. Upon the service of a copy of the order mentioned in either of the foregoing sections, certified by the clerk of the proper court, the register shall issue a certificate to the successful party.

SEC. 9. This act shall take effect and be in force from and after its publication.

Approved, February 1, 1853.

Chap. 2. **An Act to authorize the Secretary of State to audit certain accounts, and providing for the payment thereof.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The secretary of state is hereby authorized to audit the accounts of the several newspaper publishers in this state, for publishing the law authorizing the business of banking, as authorized by a joint resolution adopted by the legislature at its last annual session; and there is hereby appropriated, out of any money in the treasury not otherwise appropriated, a sufficient sum for their payment: *Provided*, The amount so allowed shall

not exceed the sum of ten dollars to each newspaper publishing the same.

Approved, February 7, 1853.

An Act to extend the [time] for the collecting of Taxes in the Town of Dane, County of Dane.

Chap. 3.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for collecting the taxes in the town of Dane, in the county of Dane, is hereby extended thirty days beyond the time now required by law; and the treasurer of said town shall have the s me right to levy on property and sell the same, within such time so extended, as is now allowed by law for such purposes.

SEC. 2. This act shall take effect from and after its passage.

Approved, February 7, 1853.

An Act to fix the time for holding the February Term of the Circuit Court of Milwaukee County.

Chap. 4.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The circuit court for the county of Milwaukee, to be held on the second Monday of February (the fourteenth), in the year one thousand eight hundred and fifty-three, shall be and is hereby deferred and postponed to the first Monday in May of said year, the time for holding the regular spring term of said court.

SEC. 2. This act shall take effect from and after its passage.

Approved, February 8, 1853.

An Act to incorporate the Wisconsin State Agricultural Society.

Chap. 5.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The "Wisconsin State Agricultural Society" is hereby declared a body politic and corporate, and by that name it shall be known in all courts and places whatsoever.

Created a body corporate.

Can hold and convey real estate.

SEC. 2. The objects of the society being to promote and improve the condition of agriculture, horticulture, and the mechanical, manufacturing and household arts, it shall be allowed, for those purposes only, to take, hold, and convey real and personal estate; the former not exceeding in value ten thousand dollars.

General powers.

SEC. 3. The said corporation shall possess all the powers and privileges conferred, and be subject to all the liabilities imposed, upon corporations by the revised statutes of this state, so far as the same may be applicable.

Executive committee may call meetings.

SEC. 4. For the purpose of organizing said society under this charter, and for the transaction of such other business as may come before it, the executive committee of the society may call a meeting of the same, at such time and place as they may deem proper; first giving due notice thereof.

SEC. 5. The said society may continue to use and occupy the southeast corner room in the basement of the capitol, until otherwise ordered by the legislature.

SEC. 6. This act shall take effect and be in force from and after its passage, and may be amended, altered, or repealed by any future legislature.

Approved, February 9, 1853.

Chap. 6.

An Act to repeal an Act entitled an Act in reference to Appeals from Justices' Courts; approved April 16, 1852.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. An act entitled an act in reference to appeals from justice courts, approved April 16, 1852, is hereby repealed: *Provided*, That no proceeding by appeal commenced under the act hereby repealed, shall be affected by this repeal.

Approved, February 10, 1853.

Chap. 7.

An Act to organize the County of Waupacca for judicial purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

When organized.

SECTION 1. From and after the first day of April next, the county of Waupacca shall be fully organized for judicial purposes, and shall enjoy all the rights and privi-

leges appertaining to other counties so organized in this state.

SEC. 2. Said county of Waupacca shall be and hereby is constituted a part of the third judicial circuit, and two terms of the circuit court shall be holden annually in said county, at the county seat thereof, to wit: on the third Monday of March, and the third Monday in August, annually. There shall be four terms of the county court annually, to wit: on the first Mondays in February, May, August, and November.

Made part of third judicial circuit.

Terms of court.

SEC. 3. All writs shall issue and be made returnable as required by law in other counties; and all laws now in force applicable to the summoning and empannelling of jurors, shall be applicable to and be in force in the said county of Waupacca.

How writs returnable.

SEC. 4. The qualified electors of said county shall, on the first Tuesday of April, 1853, elect a sheriff, clerk of the court, and register of deeds for said county, who shall hold their offices until the first day of January, 1855; and a county judge, who shall hold his office until the first day of January, 1854, and until his successor is elected and qualified. At such election the votes given for such officers shall be returned and canvassed in the same manner as votes are returned and canvassed at a general elecction in other organized counties of this state.

Election of officers.

How returns to be made.

SEC. 5. After such first election, all county officers provided for by the law of this state, shall be elected in said county at the same time and in the same manner as is provided by law in other organized counties.

Approved, February 11, 1853.

An Act to divide the County of La Crosse, and create the County of Jackson.

Chap. 8.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that portion of country now embraced in La Crosse county, north of the township line, between township (18) eighteen and (19) nineteen, extending from Adams county to the state line in the Mississippi river, is hereby set off into a separate county, to be called and known as the county of Jackson.

Boundaries.

SEC. 2. That the county of Jackson, aforesaid, shall be organized after the first day of March next (1853), for the purposes of county government, and shall enjoy all the

When organized.

rights, privileges, immunities and powers of the other counties in this state.

When elections to be held.

SEC. 3. There shall be an election held in the several towns and precincts, such as now are or may be hereafter established by law, on the first Tuesday of March next, for the election of all such town officers as the said county by virtue of its organization and the privileges of this act shall be entitled to; who (said town officers) shall severally hold their town offices until the first Tuesday in April, 1854, and until their successors are duly qualified; and the county officers shall be elected at the next general election; and the officers so elected shall hold their respective offices for two years, and until their successors are duly qualified.

How to be conducted.

SEC. 4. The said elections shall be conducted in all respects in the manner now provided for holding the same under the law regulating general elections; and the votes cast at the same shall be returned and canvassed as therein provided; and the judges of said election shall issue certificates of election to any person duly elected under the provisions of this act.

Seat of justice.

SEC. 5. That the seat of justice of said county shall be and is hereby located in the town of Albion, in said county, at the village of Black River Falls.

Organized for judicial purposes.

SEC. 6. From and after the first day of September next, the said county of Jackson shall be organized for judicial purposes. The circuit court shall be holden in the county of Jackson, on the fourth (4th) Monday of March and on the second (2d) Monday of November of each year.

Town meetings, when held.

SEC. 7. The annual town meetings in the said county of Jackson, shall be held on the first Tuesday in March of each year, and the town officers so elected, shall enter upon the discharge of their duties at the time and in the same manner that other town officers do in other towns in this state.

Organization of county.

SEC. 8. The county supervisors so elected on said day of election, shall meet as soon thereafter as may be, at the seat of justice, and with the clerk of said county; all of whom being first duly qualified according to law, and under oath by some person duly qualified to administer the same, shall then and there proceed to organize said county; and may then and there perform all such duties and services as may be required of them by law, in order that the said county may be organized as contemplated

by this act, and to approve the qualifications of other county officers.

SEC. 9. The qualified electors of said county of Jackson shall, on the first Monday of September, one thousand eight hundred and fifty-three, and once in every four years thereafter, elect a suitable person to the office of judge of said county, who shall be called the county judge, and hold his office for four years from the first day of January thereafter, and until his successor is elected and qualified to serve in his place. Election for judge.

SEC. 10. The state and county taxes, assessed for the year 1852, on the property situated within the limits of the county of Jackson, which have not been paid, and which shall not be paid before the passage of this act, shall be paid into the treasury of La Crosse county, the same as if the county had not been divided. Where taxes to be paid.

SEC. 11. The county courts for the said county of Jackson, shall be held on the third Monday of January, second Monday of April, third Monday of July, and third Monday of October of each year. When courts to be held.

Approved, February 11, 1853.

An Act to incorporate the County of Shawanaw.

Chap. 9.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That all that section of country lying and being within the following described boundaries, to wit: Beginning at the southeast corner of town twenty-five (25,) of range eighteen (18) east; thence running north to the northeast corner of town twenty-seven (27); thence west to the range line between ranges fourteen (14) and fifteen (15); thence north on said range line until it strikes the north line of town twenty-nine (29); thence west to the range line between range eleven [11] and twelve (12); thence south to the north line of Waupacca county; thence east to the range line between ranges fourteen and fifteen; thence south to the town line between towns twenty-four (24) and twenty-five (25); thence east to the place of beginning, shall be and is hereby set apart and shall constitute a county, with all the rights and privileges of other counties and shall be known by the name of Shawanaw county, and shall be for the time Boundaries.

being attached to Outagamie county for judicial purposes.

County seat.

SEC. 2. The county seat of said county shall be located and established at or near the southeast corner of section six, upon the fraction of section seven, east of Wolf river, in town twenty-six, range sixteen east.

Where election to be held.

SEC. 3. The first election for all officers to which said county will be entitled, shall be held at the house of J. C. Lewis, at the Shawanaw Mills, and occupied by C. Wescott, on the Tuesday succeeding the first Monday of November next.

Officers to be elected.

SEC. 4. Said county shall constitute one town, and for all town purposes shall be known as the town of Shawanaw, and under such name shall be entitled to all the rights and privileges heretofore granted by law to other organized towns; and the first election for town officers shall be held at the aforesaid Shawanaw Mills house, on the first Tuesday of April next, and shall hold their offices for the term of twelve months thereafter, and until their successors are duly elected and qualified; there shall also be elected in said town, at the election herein named, a town clerk, treasurer and assessor, who shall hold their offices for the term of twelve months, and until their successors are duly elected and qualified; said town supervisors herein provided for, shall hold their meetings at the house hereinbefore mentioned, until otherwise provided for at the county seat.

To whom expenses to be paid.

SEC. 5. That the county of Shawanaw shall pay unto the treasurer of Outagamie county, all costs, fees, charges and expenses that shall be paid by the county of Outagamie, that may accrue in consequence of any prosecution, conviction, imprisonment or proceeding whatever against any person charged with any crime or misdemeanor within said county of Shawanaw; and the supervisors of the county of Outagamie may sue and collect the same from said county of Shawanaw, in any court of competent jurisdiction.

Approved, February 16, 1853.

Chap. 10.

An Act to fix the Terms of the Circuit Court in the Third Judicial Circuit.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The terms of the circuit court in the third

judicial circuit shall be holden at the times and places following, to wit:

In the county of Marathon, on the last Monday of March, and the last Monday of August in each year.

Times and places of holding courts.

In the county of Portage, on the first Monday in April, and the first Monday in September in each year.

In the county of Sauk, on the third Monday in April, and the third Monday in September in each year.

In the county of Columbia, on the second Monday in April, and the fourth Monday in September in each year.

In the county of Marquette, on the first Monday in May, and the second Monday in October in each year.

In the county of Waushara, on the third Monday in May, and the third Monday in October in each year.

In the county of Dodge, on the fourth Monday in May, and the fourth Monday in October in each year.

In the county of Washington, on the first Monday in June, and the second Monday in November in each year.

SEC. 2. All recognizances, process and proceedings heretofore issued from said courts, or either of them, and all proceedings pending therein, or returnable thereto, whether by recognizance or otherwise, shall be held and taken as returnable at the times fixed herein for holding the said courts respectively.

Writs, how returnable.

SEC. 3. All acts and parts of acts contravening the provisions of this act are hereby repealed, and this act shall take effect from and after its passage.

SEC. 4. It shall be the duty of the secretary of state to cause this act to be published at as early a day as possible, in all the newspapers printed in said circuit.

Approved, February 16, 1853.

An Act in relation to the settlement of the estates of deceased persons.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap. 11.

SECTION 1. At any time after the expiration of six years from the date of the original order granting to any executor or administrator, a time for disposing of the estate and paying the debts and legacies of the deceased person, any executor or administrator may apply to the probate court, by petition, under oath, setting forth the assets remaining in his possession belonging to the estate of the deceased person, and the debts or legacies remain-

ing unpaid; for what cause the settlement of the estate has been delayed; and what further time will probably be necessary before a final settlement can be had, and thereupon the court shall order notice of the same and of the time and place of hearing thereof to be published in some newspaper, to be designated by the court, for three successive weeks; and on the hearing of the petition, the court, on being satisfied of the truth and sufficiency of the matter set forth in the said petition, may grant such further time to the executor or administrator for the payment of debts and legacies, as the nature of the case may, in the opinion of the court, require.

Approved, February 23, 1853.

An Act to amend chapter ten of the Revised Statutes.

Chap. 12.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Shall present claim to board of supervisors.

SECTION 1. No suit shall hereafter be maintained by any person against a county upon any claim or demand other than a county order, until such person shall first have presented his claim to the board of supervisors of such county for allowance.

Determination of supervisors to be final.

SEC. 2. The determination of the board of supervisors of any county disallowing in whole or in part any claim of any person, shall be final and conclusive, and a perpetual bar to any suit in any court, founded on such claim, unless an appeal shall be taken from the decision and determination of such board of supervisors, or unless such board of supervisors shall consent and agree to the institution and maintenance of such suit by such claimants against such county: *Provided, however*, That when the board of supervisors shall refuse or neglect to act upon any claim duly presented to them, this act shall not be so construed as to prevent the institution and maintenance of suit by such claimant.

Proviso.

Approved, February 23, 1853.

An Act to provide for the removal of the county seat of Manitowoc County

Chap. 13.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The county seat of Manitowoc county is

hereby removed from the village of Manitowoc Rapids, in said county, to the village of Manitowoc, in said county, and permanently located at said village of Manitowoc. Removal of county seat.

SEC. 2. It shall be lawful for the qualified electors of the county of Manitowoc to vote on the removal of the county seat of said county, from the village of Manitowoc Rapids, in said county, to the village of Manitowoc, in said county, at the annual town meeting of the several towns, in said county, to be held on the first Tuesday of April, A. D., 1853. Electors to vote on removal.

SEC. 3. The votes cast on the question of removal shall be by ballot, and shall have written or printed on them, the words, "for removal to Manitowoc," or, the words, "against removal to Manitowoc," and should a majority of all the votes cast on the subject of such removal, be in favor of the removal of such county seat, to said village of Manitowoc, then this act shall be in full force; but should a majority of all the votes cast on the subject of such removal, be against the removal of such county seat, to said village of Manitowoc, then this act shall be null and void. Form of ballot.

SEC. 4. Said votes shall be canvassed and returned in the same manner, as votes for county officers are canvassed and returned. How returned.

SEC. 5. In case the majority of said votes shall be for the removal of such county seat, to said village of Manitowoc, then the supervisors of said county are hereby authorized and required to provide for the erection and completion of suitable county buildings, within one year from such annual town meeting, upon such lot or tract of land as they may select in said village of Manitowoc. County buildings.

Approved, February 23, 1853.

An Act to cede the jurisdiction of the State of Wisconsin over certain lands to the United States.

Chap. 14.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the jurisdiction of the State of Wisconsin over five acres or less of land, which may be selected by an officer of the United States government, for light house purposes, to be located on the so called "North Point," in the county of Milwaukee, State of Wisconsin, be and the same is hereby ceded to the United

States, for the purpose of maintaining a light house on the same: *Provided*, That this act shall in no manner take away or interfere with the jurisdiction of this State for the purpose of serving or executing any legal process.

SEC. 2. This act shall take effect from and after its passage.

Approved February 23, 1853.

Chap. 15.

An Act to authorize the appointment of a Court Commissioner at Berlin, in the county of Marquette.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Judge may appoint additional court commissioner.

SECTION 1. In addition to the court commissioner heretofore appointed in the county of Marquette, pursuant to section seventy-five, of chapter ten, of the revised statutes, the circuit judge of the third judicial circuit, may appoint another court commissioner, to reside in the town of Berlin, in said county, who shall hold his office for two years from the time of his appointment, unless sooner removed by said judge.

Judge may fill vacancy.

SEC. 2. Such appointment shall be made in writing by the said judge, and filed with the clerk of the circuit court for said county of Marquette, and any vacancy which may occur in said office, by expiration of the time of office, or otherwise, may be filled by said judge, by appointment in the manner aforesaid.

Powers, &c., of commissioner.

SEC. 3. Such commissioner shall have the same power, and may receive the same fees for service, as by law of this state, are conferred upon, and given to the court commissioner, appointed pursuant to section seventy-five, of chapter ten, of the revised statutes.

SEC. 4. This act shall take effect, and be in force from and after its passage.

Approved, February 23, 1853.

Chap. 16.

An Act changing the Terms of Court in Iowa, Grant and Lafayette counties, in the Fifth Judicial Circuit.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That hereafter the terms of the circuit

court in the counties of Iowa, Grant and Lafayette, in the fifth judicial circuit of this State, shall be held as follows:

Terms of court

In the county of Iowa, on the third Monday in March, and the third Monday in September of each year.

In the county of Grant, on the first Monday in April, and the first Monday in October of each year.

In the county of Lafayette, on the third Monday in April, and the third Monday in October of each year.

How writs returnable.

SEC. 2. All writs, summons, process, indictments, recognizances and other proceedings, made returnable to the terms of court in said counties, now fixed by law, shall be returnable to the terms as hereinbefore fixed; and all adjournments, appearances, continuances, motions and notices of any proceedings in the circuit courts of said counties, made or taken to any term of a date subsequent to the time when this act shall take effect, shall be held to be made and taken for the time hereinbefore fixed for holding the terms of said courts.

Repealing clause.

SEC. 3. That so much of chapter eighty-three of the revised statutes, as fixes the terms of courts in said counties of Iowa, Grant and Lafayette, in the said fifth judicial circuit, be and the same is hereby repealed.

Act to be published.

SEC. 4. This act shall immediately after its passage, be published in a public newspaper printed at Madison, to be selected by the secretary of state, and upon the first publication, this act shall take effect and be in full force.

Approved, February 28, 1853.

An Act to incorporate the State Historical Society of Wisconsin.

Chap. 17.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Body corporate

SECTION 1. That Leonard J. Farwell, Mason C. Darling, Wm. R. Smith, Charles Lord, I. A. Lapham, Wm. H. Watson, Cyrus Woodman, James D. Doty, Morgan L. Martin, Lyman C. Draper, Samuel Marshall, John W. Hunt, Albert C. Ingham and O. M. Conover, and their present and future associates, and their successors, be and they are hereby constituted and created a body politic and corporate, by the name of "The State Historical Society of Wisconsin," and by that name shall have perpetual succession with all the faculties and liabilities of a corporation; may sue and be sued, implead and be impleaded,

defend and be defended in all courts and places; and for the purposes of its institution, may do all such acts as are performed by natural persons.

Objects of society.

SEC. 2. The object of the society shall be to collect, embody, arrange and preserve in authentic form, a library of books, pamphlets, maps, charts, manuscripts, papers, paintings, statuary, and other materials illustrative of the history of the state; to rescue from oblivion the memory of its early pioneers, and to obtain and preserve narratives of their exploits, perils, and hardy adventures; to exhibit faithfully the antiquities, and the past and present condition, and resources of Wisconsin; and may take proper steps to promote the study of history by lectures, and to diffuse and publish information relating to the description and history of the state.

Powers

SEC. 3. Said society may have and use, and at discretion change, a common seal; may ordain and enforce a constitution, by-laws, rules and regulations, and elect such officers as the constitution or by-laws may prescribe:

Proviso.

Provided, Such constitution, by-laws, rules and regulations be not inconsistent with this act, or the law or constitution of this State, or of the United States.

May hold property.

SEC. 4. Said society may receive, hold, purchase and enjoy books, papers and other articles forming its library and collections to any extent, and may acquire and hold, and at pleasure alienate, any other personal and real estate, and may acquire the same by devise, or bequest, or otherwise, not exceeding ten thousand dollars in value, but all its funds shall ever be faithfully appropriated to promote the objects of this formation.

May re-organize.

SEC. 5. The incorporators, or a majority of them, with their associates shall meet upon the notice of the present recording secretary of the society, within thirty days after the passage of this act, and upon accepting the same may, if they or a majority of them deem proper, re-organize their present association in accordance with the provisions of this charter.

Approved March 4, 1853.

An Act to amend chapter sixteen, section sixty-six, of the Revised Statutes.

Chap. 18.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixty-six, of chapter sixteen, of the

revised statutes, is hereby amended so as to read as follows:

Whenever application shall be made by any free-holder whose *land* is excluded from the highway, to the supervisors of the town, to lay out a private road, the supervisors may lay out such road; and the damages thereof to any owner of the lands through which such road may be laid, shall in like manner be ascertained and determined, and in case of appeal, the like proceedings shall be had thereon, as is provided in this chapter, for the laying out and altering of public highways; except that the applicant for such private road shall, in all cases, pay the damages and costs, arising from the laying out of such road.

Supervisors lay out road.

SEC. 2. This act shall take effect and be in force, from and after its passage.

Approved, March 4, 1853.

An Act prescribing certain duties of Clerks of Circuit Courts, and for other purposes.

Chap. 19.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the clerk of the circuit court to keep an accurate list, in a book to be by him provided for that purpose, of all certificates by him issued to witnesses and jurors; stating in such record the number of each certificate, the date and amount thereof, and to whom issued; and to furnish at each annual session of the county board of supervisors, a certified transcript of such record during the year preceding such session; which transcript shall be entered in full upon the records of said board.

Approved, March 4, 1853.

An Act to provide for the payment of the Surveying of School Lands in the several Counties of this State.

Chap. 20.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be allowed to the surveyors who were employed by the appraisers of the school lands in the counties of Sauk, Adams, Waushara, Waupacca,

Compensation of surveyors.

Portage, Marathon, Crawford, Bad Ax, La Crosse, Chippewa, Outagamie, Columbia, and Marquette, appointed pursuant to an act entitled "an act to provide for the subdivision and appraisal of school lands in the counties therein named, and granting pre-emption rights thereon," approved March 15, 1852, the sum of three dollars per day for the time such surveyors were necessarily employed in surveying and subdividing the school lands in said counties: *Provided*, The said sum shall not be allowed to more than one surveyor for each county, in case more than one shall have been employed by such appraisers at the same time.

Proviso.

Amount to be allowed.

SEC. 2. There shall be allowed to such persons, not exceeding three in each county, as were actually employed by such appraisers to assist in the survey of the said school lands, the sum of one dollar and fifty cents per day for the time they were actually engaged and employed in such survey.

Secretary of state to audit accounts.

SEC. 3. The accounts for such services shall be audited by the secretary of state, when verified by the affidavit of such appraisers; and shall be paid out of the school fund, upon the certificate of the secretary of state, stating the amount so due for such service.

Compensation of appraisers.

SEC. 4. There shall be allowed and paid by the state treasurer, out of the school fund, to the several counties, all necessary expenses (remaining unpaid to said counties) incurred and paid by the several counties of this state for compensation of appraisers of school lands embraced in sections numbered sixteen, and for surveyors, chainmen, or packers employed by such appraisers, under the laws of this state. The certificate of the clerk of the board of county supervisors, under his hand and seal, and countersigned by the chairman of said board, shall be evidence of the amount paid by each county respectively, and shall be filed in the office of the secretary of state.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved, March 4, 1853.

Chap. 21.

An Act for the division of the county of Washington, and the erection of the county of Ozaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that portion of the present county of

Washington lying within the following boundaries, to wit: commencing at the southwest corner of township nine, north of range twenty-one, east of the fourth principal meridian; and running thence north, on the range line between ranges twenty and twenty-one, to the northwest corner of township twelve, range twenty-one east; thence east, on the township line between townships twelve and thirteen north, to the eastern boundary line of this state, in lake Winnebago; thence southerly, on said boundary line, until it intersects a line running due east between townships eight and nine north; thence west, on said line, to the place of beginning, is hereby set off and erected into a separate county, under the name and title of Ozaukee. Boundaries.

SEC. 2. That said county of Ozaukee is hereby erected, established, and organized with all the rights, powers, and privileges by law granted to other counties of this state, and subject to all general laws established for county government. Powers.

SEC. 3. That on the first Tuesday of April next, the electors resident in said county of Ozaukee shall meet in their respective towns, at the usual place of holding elections, and there and then proceed to elect all and every of the county officers provided by law for county government; which said officers shall hold their offices, when duly qualified, until the expiration of the regular term of similar offices in other counties. Election of officers.

SEC. 4. That on the first Tuesday of April next, there shall be elected by the qualified electors of said county of Ozaukee, a county judge, in accordance with the provisions of chapter eighty-six of the revised statutes of Wisconsin; who, when duly qualified, shall hold his office until the expiration of the regular term of similar officers in other counties. Election of judge.

SEC. 5. It shall be the duty of the secretary of state, as soon after the publication of this act as possible, to give notice to the sheriff of Washington county, specifying what officers are to be elected at the April town elections for the county of Ozaukee; and upon the receipt of such notice, the sheriff shall cause to be posted in three or more public places in each organized town in said county of Ozaukee, a notice specifying the officers to be elected for said county; for which service he shall be paid by the county of Ozaukee. The election shall be conducted in all respects at the polls as is provided by Sheriff to give notice of election.

law for general elections; and the returns shall be made to the sheriff of Washington county, at Port Washington, within six days after such election, in the same manner that returns are directed to be made to the county board of canvassers; on the Tuesday next following the election, the said sheriff shall take to his assistance two justices of the peace, residents in the county of Ozaukee, who shall be a board of canvassers, and shall proceed to canvass the votes cast at such election for county officers, in the same manner as is provided for by law for other boards of canvassers. Said board of canvassers shall immediately publish, in some newspaper in said county, the result of such election, and give a certificate of election to the person elected; and shall, as soon as the county board of supervisors shall be organized and a clerk elected, file with the said clerk, to be recorded as by law directed, such statement of the result of such election.

Board of canvassers.

County seat.

SEC. 6. The present village of Port Washington is hereby declared to be the county seat of said county of Ozaukee. The terms of the circuit court for said county, shall be held on the second Monday in June, and the third Monday in November, in each year.

Courts, when to be held.

SEC. 7. The liabilities or indebtedness of the present county of Washington shall be paid, satisfied, and discharged rateably by said county of Washington and county of Ozaukee, according to the last assessment of Washington county; except so far as the county of Washington shall have a fund, which shall be used in discharge of such indebtedness; and in case there is a county fund on hand, or real or personal property now owned by said county of Washington, the same shall be divided between the said counties, at the same rates as for the discharge of indebtedness. The board of supervisors of either county shall have power to audit claims for which both counties are liable.

Indebtedness, how paid.

Supervisors to audit claims.

SEC. 8. All processes, appeals, recognizances and other proceedings commenced, either in the circuit court for the county of Washington, or in the county court of said county, prior to the first Monday of May next, shall be prosecuted to find judgment therein, the same manner and with like effect as they might have been had this act not have been passed.

Writs, &c., how to be prosecuted.

SEC. 9. The county of Ozaukee shall constitute the third senate district.

Third senate district.

SEC. 10. It shall be the duty of the county supervisors

elected at the next April town election within the said county of Ozaukee, to meet at the court room in the village of Port Washington, on the first Monday of May next, at 10 o'clock, A. M., organize a board of county supervisors; and shall there and then proceed to select, within the limits of the said village of Port Washington, suitable lands for the erection of a court house and other county buildings; and also shall procure suitable rooms for holding courts, and for county officers. County buildings.

SEC. 11. The supervisors of the county of Ozaukee are hereby authorized and empowered to procure a copy of the records of Washington county, relating to the titles of all lands situate within the limits of the said county of Ozaukee, as they now or may appear in the register's, circuit clerk, or clerk of the board of supervisors' offices, in said county of Washington. The copies so entered in the respective offices of Ozaukee county, shall be of the like form and effect as if originally entered of record in said county. Records.

SEC. 12. The place known and designated as the village of West Bend, in town eleven, range nineteen, in the county of Washington, shall and it is hereby declared to be the county seat of said county of Washington; and the board of supervisors of said county shall, as soon as practicable, provide suitable buildings for county purposes in said village of West Bend. And said board of supervisors are required to meet at said village of West Bend, on the third Tuesday of March, A. D. 1853, for the purpose of providing said buildings, and selecting and procuring grounds and lots for the location of county buildings. Washington county seat.

SEC. 13. All acts and parts of acts contravening this act are hereby repealed.

SEC. 14. It shall be the duty of the secretary of state to cause this act to be published forthwith, and it shall go into effect from and after its passage.

Approved, March 7, 1853.

An Act to authorize certain officers to administer oaths; and to provide for certain proceedings before the Court for the trial of Impeachments. **Chap. 22.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The president and chief clerk of the senate

President and chief clerk to administer oath.

are respectively authorized to administer to any member or officer of the senate, any oath or affirmation which he is required to take as a senator, or officer of the senate, or as a member of the court for the trial of impeachments; and to administer any oath or affirmation to any other person in any proceeding before the senate, or any committee thereof, or before the court for the trial of impeachments.

May issue process, &c.

SEC. 2. The court for the trial of impeachments is authorized to issue, and enforce obedience to any summons, subpœna, or other process necessary to the exercise of its powers and authority; to provide in what form the same shall be issued, by whom and in what manner it shall be signed and attested, by whom it shall be executed, and in what form return thereof shall be made, and make such other provisions as may be required for the aforesaid purposes not inconsistent with the constitution or laws of the United States, or of this State.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, March 10, 1853.

An Act to change the time of holding the March Term of the Circuit Court in Waukesha county, for the year eighteen hundred fifty-three.

Chap. 23.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

When court to be held.

SECTION 1. The term of the circuit court in Waukesha county, now fixed by law to be held on the third Monday in March, is hereby postponed for the year eighteen hundred fifty-three, until the third Monday in June, eighteen hundred fifty-three.

Jurors to serve

SEC. 2. The persons drawn to serve as grand and petit jurors at the said March term, shall be summoned to appear before said circuit court on the third Monday of June, eighteen hundred fifty-three.

Writs, &c., how returnable.

SEC. 3. All writs, summons, indictments, recognizances and other proceedings made returnable by law on the said third Monday of March, eighteen hundred fifty-three, shall be returnable on the third Monday of June, eighteen hundred fifty-three; and all adjournments, appearances, continuances, motions and notices of any proceedings in said court, made or taken to said March term shall be held to be made and taken to the said third Monday of June.

SEC. 4. This act shall take effect and be in force from and after its passage; and the secretary of state is hereby directed to cause this act to be published immediately.

Approved, March 10, 1853.

An Act to provide for the election of State Prison Commissioner, and for other purposes. **Chap. 24.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be elected at the present session of the legislature, in joint ballot of the two houses, one commissioner, who shall be known and styled State Prison Commissioner; said commissioner shall hold his office until the first day of January next, and until a successor shall have been elected and qualified. **Commissioner, how appointed.**

SEC. 2. After the first election under this act, there shall be elected at the general election in November, eighteen hundred and fifty-three, and biennially thereafter as state officers are elected, one state prison commissioner, who shall hold his office for two years from the first day of January thereafter, and until his successor shall be elected and qualified; said commissioner shall be warden and treasurer of the state prison. **How elected.**

SEC. 3. In case a vacancy shall occur, a commissioner shall be appointed by the Governor, who shall hold his office for the residue of the unexpired term. **Vacancy.**

SEC. 4. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

Approved, March 10, 1853.

An Act to amend an act entitled "an act to amend sections eighty-two and three of chapter eighty four, of the Revised Statutes," approved April 17, 1852. **Chap. 25.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. So much of sections one and two of an act entitled "an act to amend sections eighty-two and three of chapter eighty-four of the revised statutes," approved April 17, 1852, as authorizes the court to appoint any person but the sheriff of the county to sell mortgaged premises be and the same is hereby repealed: *Provided*, That decrees and proceedings therein rendered and

commenced previous to the passage of the repealing act, shall in no wise be affected thereby.

Approved, March 10, 1853.

An Act to authorize the County Board of Supervisors of the several Counties of this State to establish the town system for the support of the poor in said counties.

Chap. 26.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The county board of supervisors of any county, wherein the distinction between county poor and town poor has been abolished, or hereafter may be abolished, may at their annual meeting, or special meeting called for that purpose, by an order in writing to be signed by them, or a majority of them, and filed with and recorded by their clerk, adopt the town system of supporting the poor in such county; and thereafter the poor of such county shall be supported in the same manner as if such distinction between county and town poor had never been abolished.

Approved, March 10, 1853.

An Act to provide for the travelling expenses of the State Superintendent.

Chap. 27.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Expenses of superintendent

SECTION 1. There is hereby appropriated annually to the state superintendent, a sum not exceeding six hundred dollars, to defray his travelling expenses in making official visits to the counties of this state, pursuant to chapter nine of the revised statutes. He may draw the same from time to time in such sums as he may specify; but he shall not draw to exceed one hundred and fifty dollars in advance over and above the amount of his expenditures already made for the purposes herein mentioned.

Shall report to legislature.

SEC. 2. The superintendent shall annually submit to the legislature with his report a statement of his travels in making official visits during the past year, and of his expenditures for that purpose.

SEC. 3. This act shall take effect from and after its passage and publication.

Approved, March 14, 1853.

An Act for the preservation of Game.

Chap. 28.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. No person or persons shall kill, destroy, or take, or pursue with intent to kill, destroy, or take by any device, contrivance, or means whatsoever, any woodcock, between the first day of March and the first Tuesday of July; or any grouse, prairie hen or chicken, between the first day of January and the twelfth day of August, or any partridge between the first day of February and the first Tuesday in September; or any quail between the first day of February, and the first Tuesday in October in each and every year. When game not to be taken

SEC. 2. Every person or persons who shall expose for sale any woodcock, grouse, prairie hen or chicken, partridge, or quail, or shall have either or any of said birds in his, her, or their possession, or custody, which shall have been taken during the time when the killing or taking ot the same is prohibited by this act, shall be deemed guilty of killing the same within the meaning of the first section of this act, and be liable to the penalty or penalties hereinafter provided. Subject to penalty.

SEC. 3. Every person offending against the provisions of this act, or either of them, shall be subject to a penalty of five dollars and costs of suit, for each and every grouse, prairie hen or chicken, and two dollars for each and every woodcock or quail, whereof he, she, or they shall be convicted of having taken, killed or destroyed, or pursued with intent to take, kill, or destroy, or have had in possession within the meaning of this act, which penalty or penalties may be sued for and recovered in the name of the State of Wisconsin, before any justice of the peace of the county in which the offence shall have been committed, which suit shall be commenced and carried on in the same manner as prosecutions for other misdemeanors are. The provisions of this bill shall not be construed to include any Indians located within the limits of this State. Penalty.

SEC. 4. An act to prevent the killing of game therein mentioned, in certain seasons of the year, approved March 15th, 1851, and all other acts contravening the provisions of this act are hereby repealed. Repealing clause.

Approved, March 14, 1853.

[illegible] 58. p. 113, about Brook-Trout

An Act to restore the County of Adams to its former boundaries.

Chap. 29. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That all that district of country embraced within the following boundaries shall form and constitute the county of Adams, to wit: Townships number fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty north, in ranges number two, three, four, five, six and seven, east of the fourth principal meridian.

Boundaries.

SEC. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

Approved, March 14, 1853.

An Act to organize the County of Adams for county and judicial purposes, and for the location of the county seat thereof.

Chap. 30. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That the county of Adams shall be organized, from and after the first Tuesday in April next, for judicial and county purposes, and shall enjoy all the rights, privileges, immunities and powers of the other counties of this State.

When organized.

SEC. 2. Said county of Adams shall be, and hereby is (after the first Tuesday in April next,) organized into five towns, to be bounded as follows, viz: That portion of said county lying east of the Wisconsin river, in township fourteen (14) and fifteen (15), in ranges five [5], six (6) and seven (7) east, is hereby organized into one town, to be called the town of Jackson, and the first election in said town shall be held at the house of Thomas Ritchie.

Boundaries.

And all that part of said county lying in townships sixteen (16), seventeen (17), eighteen (18), nineteen (19), and twenty north of ranges six (6) and seven (7) east, is hereby organized into one town, to be called the town of Grand Marsh, and the first election in said town shall be held at the house of —— Peck.

Town of Grand Marsh.

And all that part of said county lying in townships fifteen (15), sixteen (16), and seventeen (17), in ranges four (4) and five (5) east, on either side of the Wisconsin river, is hereby organized into one town, to be called the town of Quincey, and the first election in said town shall be held at the house of Henry [illegible] Kingsbury.

Quincey.

And all that part of said county lying in townships eighteen, nineteen (19) and twenty (20) north, in ranges two (2), three (3), four (4) and five (5) east, is hereby organized into one town, to be called the town of Necedah, and the first election in said town shall be held at the house of Thomas Weston & Co. Necedah.

And all that part of said county lying in townships fifteen (15), sixteen (16) and seventeen (17), in ranges two (2) and three (3) east, is hereby organized into one town, to be called the town of Lemonwier, and the first election in said town shall be held at the house of —— Findlay. Lemonwier.

SEC. 3. There shall be an election held in the several towns in said county on the first Tuesday in April next, for the election of all such town and county officers as the said county, by virtue of its organization and the privileges of this act, shall be entitled to; which said county officers shall severally hold their offices until the first day of January, 1855, and until their successors are duly elected and qualified; and the said town officers shall severally hold their offices until the next annual town meeting, and until their successors are elected and qualified. Elections.

SEC. 4. The said election shall be conducted in all respects in the manner now provided by law for holding general elections, and the votes cast at such election shall be canvassed and returned as therein provided: and the judges of said election shall issue certificates of election to any and all persons duly elected under the provisions of this act. How votes to be canvassed and returned.

SEC. 5. The chairman of the town board of supervisors elected at said election shall constitute the county board of supervisors, and shall meet on the first Monday in May next, at the seat of justice of said county, together with the clerk of the board of supervisors, and after being duly sworn according to law, shall proceed to transact such business as may be proper for the action of the board, or as may be required of them by law. County board.

SEC. 6. The seat of justice of said county is hereby temporarily located on the south half of the southwest quarter of section No. seven (7), in township No. sixteen (16) north, of range five (5) east, of the fourth principal meridian, for the term of five years from and after the passage of this act. County seat.

SEC. 7. Said county of Adams is hereby constituted a part of the third judicial circuit, and two terms of the circuit court shall be holden annually in said county, at Constitute 3d judicial circuit.

the seat of justice thereof, on the second Monday in April, and second Monday in September; and four terms of the county court shall annually be holden in said county on the first Monday in January, April, July and October.

How process returnable.

SEC. 8. All process shall issue and be made returnable in said county as required by law in other counties, and all laws now in force applicable to the summoning and empanelling of jurors, shall be applicable to and in force in the said county of Adams.

Election of judge.

SEC. 9. On the first Tuesday in April next, there shall be elected by the qualified voters of said county, a county judge, who shall hold his office for the term of four years, and until his successor shall be duly elected and qualified; and the votes cast for county judge at such election shall be canvassed and returns made in the same manner as votes cast at general election for county officers are canvassed and returns made, and the judge so elected shall have all the rights, privileges and jurisdiction that county judges have by the laws of this State.

Approved, March 14, 1853.

Chap. 31. An Act to divide Saint Croix county, and create the counties of Pierce and Polk.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Boundaries of Pierce county.

SECTION 1. All that portion of country now embraced in St. Croix county, lying and being south of township line between townships twenty-seven and twenty-eight, shall be and is hereby set off into a separate county, to be called and known as the county of Pierce.

Boundaries of Polk county.

SEC. 2. All that portion of country now embraced in Saint Croix county, lying north of township line between townships thirty-one and thirty-two shall be and is hereby set off into a separate county, to be called and known as the county of Polk.

Election of town officers.

SEC. 3. There shall be an election held in the several towns and precincts such as now are, or may be hereafter established by law, on the first Tuesday in April, A. D. 1853, for the election of all such town officers as the said counties by virtue of its organization and privileges of this act shall be entitled to, who (said town officers) shall severally hold their town offices one year, and until their successors are duly qualified.

SEC. 4. There shall be an election of all the county officers, except county judges, in each of the aforesaid counties of Saint Croix, Pierce and Polk, at the next general election, holden in November A. D. 1853, and the officers so elected shall hold their respective offices for one year from the first day of January, 1854, and until their successors are duly qualified; and said elections shall be conducted in all respects in the manner now provided for holding the same under the law regulating general elections, and the votes cast at the same shall be returned and canvassed as therein provided; and the judges of said elections shall issue certificates of election to any person duly elected under the provisions of this act. **Election of county officers**

SEC. 5. That the seat of justice of the said county of Saint Croix shall be and remain at its present location in the village of Hudson; and the seat of justice in the said county of Pierce, shall be located at the village of Prescott; and the seat of justice for the county of Polk shall be located in the town of Saint Croix Falls, at the village now known and called the village of Saint Croix Falls: *Provided*, That said counties of Pierce and Polk, may, at any election hereafter duly called, alter said locations by a majority of all the legal voters of said counties at such election for the same. **Seats of justice** **Proviso.**

SEC. 6. From and after the twenty-fifth day of November next, the said counties of Pierce and Polk shall be organized for judicial purposes; the circuit court shall be holden in the county of Pierce on the second Monday of May, and second Monday in November of each year; and in the county of Polk, on the third Monday in May, and third Monday in November in each year; and said counties shall be attached to the sixth judicial circuit. **Organized for judicial purposes.** **When courts held.** **Attached to sixth circuit.**

SEC. 7. The state and county taxes assessed for the year 1852, on the property situated within the limits of the aforesaid counties of Pierce and Polk which have not been paid, and which shall not be paid before the passage of this act, shall be paid into the treasury of St. Croix county, the same as if the county had not been divided as aforesaid. **Taxes, where to be paid.**

SEC. 8. The county courts for the said counties shall be held as follows: In the county of Pierce, on the first Monday in December, the first Monday in March, the first Monday in June and the first Monday in September of each year; and in the county of Polk on the third Monday in December, the third Monday in March, the **County courts, when and where held.**

third Monday in June, and the third Monday in September of each year.

Election of county judge.

SEC. 9. There shall be elected in the said counties of Pierce and Polk, on the first Tuesday in April, A. D. 1853, a county judge for each of said counties, who shall hold their office two years, and until their successors shall be duly qualified, and shall enter upon the duties of their office immediately after notice given of their election: *Provided*, Nothing in this section shall be construed to prevent the county judges elected thereafter from holding their office as is now provided by law.

Proviso.

SEC. 10. All acts or parts of acts that conflict with this act are hereby repealed.

Approved, March 14, 1853.

Chap. 32.

An Act to amend chapter nineteen of the Revised Statutes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ninety-three, of chapter nineteen of the revised statutes, is hereby amended by adding to the section the following words: "If such district be situated in two or more towns, the clerk of each town shall, on demand of any person interested, furnish for the clerk of every other town in which any part of the district is situated, a certificate, showing the total amount of the valuations of taxable property in that part of the district situate in his town, according to the last assessment roll of said town and the amount of the judgment shall be assessed upon the respective parts of the district within the several towns in proportion to such valuations. In all cases where for any reason, the clerk of any town has heretofore failed, or shall hereafter fail to assess the amount of any such judgment, or the proper proportion thereof, in the next assessment roll after the rendition of the judgment, it shall be his duty to assess the same in any subsequent assessment roll within two years thereafter upon the taxable property within the district, or part of a district, situate within his town according to its limits at the time of making the assessment.

Approved, March 14, 1853.

An Act to authorize Town Clerks to certify to the State Superintendent the amount of money assessed for the support of schools, and to provide for levying a tax in certain cases. **Chap. 33.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Those towns that have not assessed by direction of the board of county supervisors, an amount equal to one-half the amount received from the school fund, shall, and are hereby authorized to certify, through the clerk of said towns, to the state superintendent, such additional amounts as have been assessed for the support of schools. **Towns to assess.**

SEC. 2. Those towns that have not assessed by order of the board of county supervisors, and in addition thereto a sum of money equal to one-half the amount received from the school fund, are hereby authorized to supply such deficiency, by an immediate assessment upon the taxable property of said towns, such sum as shall be necessary; the same to be estimated and directed by the board of supervisors of the respective towns, to be levied and collected in the same manner as other taxes, and certified by the town clerk to the state superintendent, previous to the 15th day of April, 1853. **Towns to supply deficiency.**

SEC. 3. The state superintendent is hereby authorized to apportion to the different towns that comply with the requisitions of this act, such sums of money as they may be thereby entitled to. **Superintendent to apportion to towns.**

Approved, March 14, 1853.

An Act to amend chapter 432 of the Session Laws of 1852, entitled "an act to provide for the establishment of a Commissioner of Immigration for the State of Wisconsin in the city of New York," approved April 17th, 1852. **Chap. 34.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be elected at the present session of the legislature in joint ballot of the two houses, a commissioner of immigration, who shall hold his office for the term of one year from and after the first day of May next. **How elected.**

SEC. 2. After the first election under this act there shall annually be elected by the legislature a commissioner of immigration, who shall hold his office for the term of one **Elected annually.**

year from and after the first day of May next succeeding his election.

Repealing clause.

SEC. 3. Section two, and all parts of chapter 432 of the session laws of 1852, conflicting with the provisions of this act is hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, March 17, 1853.

Chap. 35.

An Act to establish a code of procedure for the Police Court of the City of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Powers, &c.

SECTION 1. The term of office of the police justice shall be two years. He shall be *ex officio* a justice of the peace, with all the authority, powers, and rights of the same, except that he shall in no case entertain any civil suit to which the city is not a party; and he shall have and possess the jurisdiction and powers conferred upon him by the charter of the city of Milwaukee, and the acts amendatory thereof.

May sue for, and recover fines, penalties, &c.

SEC. 2. The city of Milwaukee, in its corporate name, may sue for and recover any and all fines, penalties, and forfeitures under said city charter, and the acts amendatory thereof; or under the ordinances, by-laws, or police or health regulations made in pursuance thereof, any general law of the state to the contrary notwithstanding; and such action shall be commenced by complaint substantially in the following form:

Form of complaint.

State of Wisconsin, }
Milwaukee County, } ss.
City of Milwaukee, }

being duly sworn, complains on oath to the police justice of the city of Milwaukee, that did, on the day of 18 , violate the section of an ordinance, by-law, or resolution (describing it by its title), which said is now in force, as this complainant verily believes, and prays that said may be arrested, and held to answer to the said city of Milwaukee therefor.

Subscribed and sworn before me, this day of 18 .

It shall be sufficient to give the number of the section or sections, and the title of the ordinances, by-laws, regulation, or resolution, or of the law violated, in such complaint. And said complaint may be sworn to before any officer authorized to administer oaths in the courts of this state. Upon the filing of such complaint in the office of the police justice, he shall issue a warrant thereon, substantially as follows:

Warrant may issue.

State of Wisconsin, }
City and County of Milwaukee, } To the sheriff, or any constable of said county, or to the marshal of the city of Milwaukee, greeting:

Form of warrant.

Whereas, has this day complained to me in writing, on oath, that did, on the day of 18 , violate the section or sections of an ordinance, by-law, regulation, or law (describing it by its title), which said is now in force and effect, as said complainant verily believes; therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of the said and him forthwith bring before the police justice of the said city, to answer to said city of Milwaukee, on the complaint aforesaid.

Given under my hand, this day of 18 .
Police Justice.

Upon the return of the warrant, the court may proceed summarily with the case, unless it be continued by consent or for cause. If the cause be adjourned, the defendant, if required by the court so to do, shall recognize with surety for his appearance, in such sum as the court shall direct; or, in default thereof, may be put in charge of the officer who made the arrest; or be committed to the common jail of Milwaukee county. The complaint made aforesaid shall stand in lieu of a declaration, and the plea of not guilty shall put at issue all subject matter which pertains to the defence of the action.

Course of proceeding.

SEC. 3. A printed copy of an ordinance, by-law or resolution, passed by the common council and published in a newspaper, or in pamphlet or book form, shall be prima facia evidence of its due passage and publication, and may be received in evidence. After issue joined and before trial in all cases cognizable before the police justice, the defendant may demand a jury, of not more than twelve, nor less than six men, and shall designate the number at the time of the demand. The proper officer

Defendant may demand jury.

whom the justice may direct, shall thereupon make a list of twice the number of jurors demanded, who may be qualified to serve as jurors in courts of records of Milwaukee county, and the parties shall then alternately strike therefrom, the defendant commencing, so many names as will leave remaining the number demanded. The court shall thereupon issue a venire, commanding the officer to summon those so remaining to appear before him, at such time as he may direct, to make a jury for the trial of the said action, and the court may compel their attendance by attachment. Either party may challenge any juror for cause, and deficiencies occasioned thereby or by any other cause, shall be supplied by talesmen, to be selected and summoned by the officer; if the defendant shall not demand a jury, the city or state may demand a like jury, as is above provided; and if no jury be demanded, it shall be deemed a waiver of a jury trial. If either party declines to strike from the list the names which he is entitled to strike, the court shall strike the same for such party. Each juror shall receive for his services fifty cents.

Witnesses and jurors to attend without payment of fees.

SEC. 4. Witnesses and jurors shall attend before the police court, in all city and criminal prosecutions, without the payment of fees in advance or a tender thereof, upon the process of the court duly served, and in default thereof, their attendance may be enforced by attachment. In case the jury, after being kept a reasonable time, should disagree, they shall be discharged without the payment of fees, and thereupon the court shall adjourn the cause to a day certain, and issue a new venire as aforesaid.

Justice may issue execution.

SEC. 5. In city prosecutions the finding of the court or jury, shall be either guilty, or not guilty. If guilty, the court shall render judgment thereon against the defendant, for the fine, penalty, or forfeiture contained in the ordinance, by-law or resolution for the violation of which the person or persons shall have been adjudged guilty, and for the costs of suit; but if not guilty, the costs shall be taxed against the city. Upon conviction and the non-payment of such judgment, the court may forthwith issue an execution, and shall determine and enter upon the docket the length of time the defendant shall be imprisoned, which, in no case, shall exceed six months, and also insert such time in the commitment or execution. Such execution may be in the following form:

State of Wisconsin.
City and County of Milwaukee. } To the sheriff or any

constable of the county of Milwaukee, the city marshal, and to the keeper of the common jail in said county: Form of execution.

Whereas, the city of Milwaukee, on the day of 18 , recovered a judgment before the police court of said city, against for the sum of dollars, together with dollars costs of suit, for the violation of (here insert the number of section and title of the ordinance, as set forth in the complaint.) These are, therefore, in the name of the state of Wisconsin, to command you to levy distress on the goods and chattels of the said (excepting such as the law exempts,) and make sale thereof, according to law in such cases made and provided, to the amount of said sums, together with your fees, and twenty-five cents for this writ, and the same return to me in thirty days; and for want of such goods and chattels, whereon to levy, take the body of the said , and him convey and deliver to the keeper of the common jail in Milwaukee county. And the said keeper is hereby commanded to receive and keep in custody, in said jail, the said , for the term of , unless said judgment, together with all costs and jail fees are sooner paid, or he be discharged by due course of law.

Given under my hand and seal this day of 18 . [L. S.]

Police Justice.

The form of commitment may be substantially the same as that of the execution, leaving out all that relates to levy and sale, and return of the writ.

SEC. 6. The defendant in all city prosecutions, may appeal to the circuit court of Milwaukee county by filing an affidavit and bond, and complying with all the requirements of appeals in civil cases before justices of the peace: *Provided, however*, That such appeal shall be taken and perfected within twenty-four hours from the time that judgment is rendered in the suit. Upon any appeal being taken and allowed, the police justice shall stay all further proceedings in the case, and the defendant if in custody, shall be discharged; and the police justice shall transmit the papers in the case so appealed, with a transcript of his docket, to the clerk of the circuit court, on or before the first day of the term thereof next after the appeal shall have been allowed. Defendant may appeal. Proviso.

SEC. 7. The jail fees and officers fees for commitment in prosecutions in behalf of the city, shall be audited and Costs, how to be paid.

allowed by the common council, when the same cannot be collected of the defendant before his discharge; and said common council may, by resolution, direct the police justice to discharge from the jail, any person confined for a judgment due said city, but such discharge shall not operate as a release of the judgment, unless said common council shall so direct in their resolution. Upon filing a certified copy of such resolution, attested by the clerk of the common council, the police justice shall order such defendant discharged from custody, and make an entry of such discharge upon his docket; an execution may issue or be renewed by indorsement from time to time before or after the return day thereof, and before or after the commitment of the defendant, until the judgment is satisfied or released; but after the defendant shall have been committed no execution shall be issued against the body of the defendant, nor if previously issued shall authorize the taking of the body of the defendant thereon.

SEC. 8. This act shall take effect from and after its passage, and all acts and parts of acts contravening any of the provisions of this act are hereby repealed.

Approved, March 17, 1853.

Chap. 36. An Act to postpone the April Term of the Circuit Court for Dane County, for the year 1853, until the October Term of the same year.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To what time postponed.

SECTION 1. The regular April term of the circuit court for the county of Dane, for the year 1853, is hereby postponed until the October term of the same year.

How writs returnable.

SEC. 2. All writs at law or in chancery, venires, summonses, indictments, recognizances, and all other proceedings whatsoever made returnable or appertaining to the said April term of the said circuit court for the year 1853, shall be considered returnable and appertaining to the October term of said court, of the same year, as fully in all respects as though the same had been originally made returnable at the said October term; and all adjournments, appearances, continuances, motions and notices to said April term of said court shall be considered to appertain and belong to the said October term of said court, any rule or law to the contrary notwithstanding:

Proviso.

Provided, This act shall not interfere with or affect any special term of said court.

SEC. 3. This act shall not be construed so as to change the time of holding or affect the regular terms of said court, in said county of Dane, after the said October term thereof. Not to affect regular terms.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, March 17, 1853.

An Act changing the Terms of the Circuit Court, in the Fifth Judicial Circuit, and the Terms of the County Court of Grant County, in this State. **Chap. 37.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Hereafter the terms of the circuit court of Richland county, in the Fifth judicial circuit of this state, shall be held on the second Monday of November and May in each and every year. Terms of court in Richland county.

SEC. 2. Hereafter the terms of the county court of Grant county shall be held on the first Monday of February, May, August and November in each and every year. In Grant.

SEC. 3. All writs, summons, process, indictments, recognizances, appeals and other proceedings made returnable to the terms or term of the said circuit and county court, as now fixed by law, shall be returnable to the terms of said courts as the same are herein fixed; and all adjournments, appearances, continuances, motions and notices of any proceedings in said courts, made or taken to any term of a date subsequent to the time when this act shall take effect, shall be held to be made and taken for the time herein fixed for holding the terms of said courts. Writs, how returnable.

SEC. 4. This act shall be published immediately after its passage, under the direction of the secretary of state, in a newspaper printed at Madison, and upon such publication it shall take effect and be in full force.

Approved, March 17, 1853.

An Act to authorize Railroad Companies in this State to construct across highways, streets and water-courses. **Chap. 38.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any railroad company constructing a rail-

road in this state, shall have power, and they are hereby authorized to erect and construct their road or roads, across, along or upon any stream of water, water-course, road, highway, street or canal, which the railroad of any company, being constructed, or to be constructed in this state, may touch or interest, [intersect,] but in every instance, the said stream of water, water-course, road, highway, street or canal, which shall be so touched or intersected as aforesaid, shall be finally restored to its former usefulness. And whenever the track of any railroad shall touch, intersect or cross any road, highway or street, such road, highway or street may be carried over or under the said railroad, as may be found most expedient, for the public good. And in case any embankment or cut, in the construction of any railroad, shall make it necessary to change the course and direction of any highway, road or street, it shall be lawful for any company, constructing its road, to so change the course or direction of such road, highway, or street: *Provided*, That the distance of any road, highway or street, shall not be lengthened more than five rods, nor changed from its original course more than six rods, by such change of course or direction.

Where company may construct road.

Proviso.

Dimensions of passage-way.

SEC. 2. Whenever it shall be necessary by means of an embankment, in the construction of any railroad, in this state, it shall be necessary to erect a bridge or arched culvert, over any highway, road or street, it shall be lawful for any railroad company to construct the same, so as to give a clear passage-way along the said highway, road or street so bridged or arched, of twenty-feet.

SEC. 3. This act shall take effect from and after its passage.

Approved, March 17, 1853.

Chap. 39. An Act providing for the election of certain officers in the Counties of Washington and Ozaukee, and for transcribing records of Washington County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Election of officers.

SECTION 1. That all officers elected for the county of Washington, residing in the county of Ozaukee, at the time of the passage of this act, shall be and remain officers of the county of Ozaukee, with the powers and jurisdiction which of right appertains to officers of other

counties of this state, for the term for which they were respectively elected; and to fill all such offices as the county of Ozaukee, by virtue of its organization shall be entitled to, the legal voters thereof shall hold a special election on the first Tuesday of May next, at the usual place of holding elections in the respective towns of said county of Ozaukee, and then and there elect all necessary officers to fill all such vacancies, whose time of service shall commence on the first day of June next, and continue until the time now provided by law for the election of their successors. The said election shall be conducted in all respects in the manner now prescribed by the law regulating general elections, and the votes cast at said election shall be returned and canvassed as therein provided.

May hold special election.

SEC. 2. That all officers residing in the county of Washington, at the time of the passage of this act, who were elected for Washington county, at the last general election, and who do not reside in the county of Ozaukee, as defined in the first section of "an act for the division of the county of Washington and the erection of the county of Ozaukee," shall be and remain officers of Washington county during the term for which they were respectively elected; and to fill the vacancies in all such offices in the county of Washington, as by virtue of this act shall become vacant, the legal voters of the said county of Washington shall hold a special election on the first Tuesday of May next, at the usual place of holding elections in the respective towns of said county of Washington; and the term of office of such officers as may be chosen at such election shall commence on the first day of June next and continue until the time now provided by law for the election of their successors.

Register may transcribe records.

SEC. 3. The register of deeds of the county of Washington shall have the privilege of transcribing from the records of said county in suitable books to be provided by him for that purpose, any record of conveyance of land or personal property, or any charge or mortgage concerning the same, lying and being in the county of Ozaukee; and such records shall be as good evidence in all courts as the original records of Washington county; and the said register of deeds of the county of Washington shall be paid a sum not to exceed five cents per folio, by the county of Ozaukee.

SEC. 4. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SEC. 5. It shall be the duty of the secretary of state to cause this act to be published forthwith, and it shall take effect from and after its passage.

Approved, March 19, 1853.

Chap. 40.

An Act to organize a Seventh Judicial Circuit, and to provide for the election of a Judge thereof.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Seventh judicial circuit.

SECTION 1. From and after the first Tuesday in April, in the year one thousand eight hundred and fifty-four, the counties of Adams, Waushara, Waupacca, Portage and Marathon, shall be organized into, and constitute a judicial circuit, to be known and designated as the seventh judicial circuit.

Times and places of holding courts.

SEC. 2. The circuit courts of the said seventh judicial circuit, shall be holden at the times and places following, to wit:

In the county of Marathon, on the last Monday in February, and last Monday in August of each year.

In the county of Portage, on the second Monday in March, and second Monday in September in each year.

In the county of Adams, on the fourth Monday in March, and fourth Monday in September in each year.

In the county of Waushara, on the fourth Monday in April, and the first Monday in October in each year.

In the county of Waupacca, on the second Monday in April, and second Monday in October in each year. And the judge of the said seventh judicial circuit shall hold at least one special term in each of the above named counties in each year, at such time as he shall designate, notice thereof to be published in some newspaper printed in said circuit, for four successive weeks previous to the time appointed for the holding of such special term: *Provided*, That no jury shall be summoned at such special terms: *Provided further*, That each of the circuit judges in this state shall hold a special term in his circuit, as provided in this section for the judge of the seventh circuit.

Special term.

Proviso.

Election for judge.

SEC 3. An election for judge of the said seventh judicial circuit shall be held on the first Tuesday in the month of April, 1854; the election shall be conducted and the votes canvassed in the same manner as at general elections for state and county officers; the inspectors or

judges of said election shall make returns to the clerk of the board of supervisors of their respective counties, immediately after the same are canvassed, and the said clerks of the board of supervisors shall file the same in the offices, and forthwith transmit a certified copy thereof to the governor of this state.

How returns to be made.

SEC. 4. On the first Monday in June following said election, or as soon as the returns from all the counties of said circuit are received by the governor, he, together with the secretary of state and treasurer, shall proceed to canvass the same; and the person having the highest number of votes cast in said circuit, at said election, shall be the judge of the said seventh judicial circuit, and the governor shall transmit to the person so elected, a certificate of his election, under the seal of the state, and in case there shall be a tie, the governor shall forthwith proclaim that fact, and order a new election in said circuit.

Oath of office.

SEC. 5. The judge so elected shall, before he enters upon the duties of his office, take and subscribe the following oath or affirmation, viz: "I, , do solemnly swear (or affirm as the case may be,) that I will support the constitution of the United States, and of the state of Wisconsin, and that I will administer justice without respect to persons, and will faithfully and impartially discharge the duties of the office of judge of the circuit court of the state of Wisconsin, according to the best of my ability;" which said oath or affirmation shall be duly certified by the officer administering the same, and by said judge filed in the office of the secretary of state.

Powers, &c., of judge.

SEC. 6. Said judge shall enter upon the duties of his office as soon as elected and qualified, and shall have all the rights, privileges, powers and jurisdiction of other judges of the circuit court, in all respects whatever, and shall perform like duties, and receive like compensation, and shall hold his office for six years from the time of his election and until his successor shall be elected and qualified.

SEC. 7, This act shall take effect and be in force from and after its passage..

Approved, March 19, 1853.

Chap. 41. **An Act to provide for contesting elections of members of the Senate and Assembly.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Contestant to give notice.

SECTION 1. That hereafter any person wishing to contest the election of any member to the Senate or Assembly, shall give notice in writing to the person whose election he intends to contest, that his election will be contested, stating the cause for such contest briefly, within thirty days from the time of the decision of the board of canvassers that said person is elected.

Must take depositions.

SEC. 2. After the service of such notice, either party may proceed to take depositions of any witnesses, before any judge, court commissioner, or justice of the peace, in the senatorial or assembly district where the contest is pending, after giving ten days notice to the opposite party of the time and place of the taking of the deposition or depositions, and before whom to be taken, and the depositions so taken, may be used and read in evidence before the branch of the legislature where the contest is to be determined: *Provided*, That the officer before whom said depositions may be taken, shall carefully envelope and seal up the same, endorse on the envelope the names of the contestant and the person claiming the election, and direct the depositions thus endorsed, to the presiding officer of the branch of the legislature where the contest is to be examined and determined; and *Provided further*, That after the notice of contest is given as prescribed in the first section of this act, both parties may proceed to take depositions of such witnesses as they may deem necessary to decide the merits of the contest in the manner provided in the second section of this act; and no other depositions than those taken under the authority of this act, shall be used as evidence by the branch of the legislature where the contest is to be determined, nor shall said branch of the legislature, by its committees, or otherwise, seek to procure other testimony, but shall proceed forthwith to determine the contest upon the evidence furnished by the parties under this act: *Provided further*, That all testimony in such contest, shall be completed on or before the last Monday preceeding the day fixed by the constitution for the meeting of the legislature, except in case of sickness or the unavoidable absence of witnesses.

Provisos.

Approved, March 19, 1853.

An Act to amend chapter nineteen of the Revised Statutes.

Chap. 42.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eighty-three, of chapter nineteen, of the revised statutes, is hereby amended, by striking out all previous to the words "and the parents and guardians," and inserting in place thereof, "Any resident of a school district;" and by striking out the words "such library," and inserting in place thereof, "the school district library of said district," so that said section shall read: Any resident of a school district, and the parents and guardians of all the children therein, between the ages of four and twenty years, shall be permitted to use books from the school district library of said district, without charge, being responsible to the district for the safe return thereof, and for any injury done thereto, according to such rules and regulations as may be established by the state superintendent.

SEC. 2. This act shall be printed immediately after the passage thereof, and when so printed shall be in full force.

Approved, March 19, 1853.

An Act in relation to School Lands.

Chap. 43.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Governor may appoint appraisers,

SECTION 1. In all cases where, through mistake or negligence of appraisers, any of the school or university lands shall remain unappraised, the Governor may appoint one or more, not to exceed three appraisers in the counties in which such lands are situated, whose duty it shall be, after receiving notice of their appointment, and the necessary instructions, to proceed to appraise such lands and make returns thereof in the manner provided by an act entitled an act to provide for the subdivision and appraisal of school lands in counties therein named, and granting pre-emption rights thereon, approved March 15th, 1852.

Lands omitted to be appraised, how sold.

SEC. 2. At any time after receiving the report of the appraisal of any lands omitted by previous appraisers, as mentioned in the first section of this act, the school commissioners may, upon giving the notice required by section five, of chapter twenty-four of the revised statutes,

offer said lands and sell the same, at the capitol, at Madison, in the same manner they are required to offer other school lands.

In case of non-payment.

SEC. 3. It shall be the duty of the said commissioners, whenever any of the school or university lands shall have been forfeited for the space of six months, by reason of the non-payment of principal or interest, to advertise, in some newspaper published in the county wherein such lands lie, if there be one, and if not, in such newspaper as they think proper, that such forfeited lands are subject to private entry by any person applying therefor; and the minimum price for such tracts or parcels of lands so forfeited, shall be the amount due thereon at the time of such re-sale, together with the costs of sale.

SEC. 4. So much of the revised statutes as conflicts with the provisions of this act, is hereby repealed.

Approved, March 19, 1853.

Chap. 44.

An Act in relation to State Roads.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

How established.

SEC. 1. All state roads located and established hereafter within this state shall be viewed, surveyed and established and returns made thereof, agreeable to the provisions of this act, within two years from the passage of the act by which said road may be granted or authorized to be laid out.

How commissioners to proceed.

SEC. 2. The commissioners appointed to locate and establish any state road, shall at least twenty days before they proceed to locate the same, cause copies of the special law by which they act to be posted up in three public places in each town through which the said road may pass, or run into, which notice shall also set forth the time and place the said commissioners will meet to locate said road; may cause the same to be correctly surveyed and marked from the beginning throughout the whole distance, by setting stakes in the prairie at a reasonable distance apart, and by blazing trees in the timber.

Commission'rs to make return

SEC. 3. The commissioners and surveyors of each road shall make a certified return of the survey and plat of the whole length of said road, specifying in said return, the width, depth and course of all streams, the position of all swamps and marshes, and the face of the country gene-

lly, noting where timber and where prairie, and the stance said road shall have been located in each county.

SEC. 4. Said return and plat shall be signed by a majority of the commissioners and the surveyor of said road, and forwarded to the secretary of state, within sixty days after the view and survey of the same, to be by him recorded and preserved; they shall also within sixty days as aforesaid, deposit in the office of the clerk of the board of supervisors of each county through which said road shall be laid, a return and plat as aforesaid of so much of said road as shall be laid out and established in said county, to be recorded as aforesaid.

Return to be forwarded to secretary of state.

SEC. 5. All state roads authorized to be laid out by any law of this state, and not yet commenced, shall be laid out in the manner prescribed in this act, and the commissioners shall comply with all regulations herein contained.

Roads to be laid out in the manner prescribed.

SEC. 6. When any road shall have been located and established agreeable to the provisions of this act, the same shall be opened and worked by the counties and towns through which it shall be laid, at such time and in the same manner as other roads in this state are opened and worked.

Roads to be worked.

SEC. 7. The commissioners shall be entitled to such compensation for their services in laying out all state roads from the different counties through which the roads may pass, as the supervisors of said counties may deem just.

Compensation of commissioners.

SEC. 8. The board of supervisors of any town shall not have the power to alter or vacate any road laid out in accordance with the provisions of this act, when the road shall not lie wholly within such town.

Shall not vacate road.

SEC. 9. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved, March 22, 1852.

An Act in relation to Special Terms of the Circuit Court.

Chap. 45.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. No special or adjourned term of any circuit court in this state, shall be held, unless a notice of the time and place of holding the same, signed by the clerk of such court, shall be posted on the outer door of the court

Notice to be given by clerk

house, and published at least ten days prior to the holding of the same, in some newspaper, published in the county where such term is proposed to be held. And in case any special adjourned term, of any circuit court in this state, shall be held after the pasage of this act, without giving the notice provided for in this section, as herein required, all orders, judgments and decrees, made or rendered thereat, shall be null and void.

Notice to be filed with the clerk.

SEC. 2. When due notice of the holding of a special term of any circuit court, shall be given in pursuance of the provisions of this act, affidavits of the publication and posting of such notice shall be made and filed with the clerk, and entered of record on the journals of the proceedings of said court, at or before the commencement of such special term.

Approved, March 25, 1853.

Chap. 46.

An Act to amend Chapter 88, of the Revised Statutes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Actions of replevin.

SECTION 1. In actions of replevin, the value of the property, adjudged to either party, as found by the court or jury, shall be taken and considered as the amount of the judgment, in determining the right of appeal.

Garnishee.

SEC. 2. In all actions and proceedings against the garnishee, when a judgment shall be rendered against the garnishee for fifteen dollars or over, exclusive of costs, either party may appeal therefrom.

Approved March 25, 1853.

Chap. 47.

An Act providing for the Geological Survey of the State.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Governor may appoint geologist.

SECTION 1. The governor of this state is hereby authorized, as soon as may be after this act shall take effect, to appoint a state geologist, who shall be a person of competent scientific and practical knowledge of the science of geology and mineralogy: And the said state geologist, shall, by and with the consent of the governor, appoint one suitable person, to assist him in the discharge of his duties, who shall be a skilful, analytical, and experimental chemist.

SEC. 2. It shall be the duty of the said state geologist and his assistant, as soon as may be practicable after their appointment, to commence and carry on with as much expedition and despatch, as may be consistent with minuteness and accuracy, a thorough geological and mineralogical survey of this state, with a view to determine the order, succession, arrangement, relative position, dip or inclination, and comparative magnitude, of the several strata, or geological formations within this state, and to discover and examine all beds or deposits of ore, coal, clay and such mineral and earthy substances as may be useful or valuable, and to perform such other duties as may be necessary to make a full and complete geological and mineralogical survey of the state: *Provided*, That it shall be the duty of said state geologist, to complete his survey of that portion of the state, known as the "Lead Mines," before commencing the survey of the remainder of the state.

Duties of geologist.

Proviso.

SEC. 3. It shall be the duty of the said assistant, to make full and complete examinations, assays, analyses, of all such rocks, ores, soils or other substances, as may be submitted to him by the state geologist for that purpose, and to furnish him with a detailed and complete account of the results so obtained.

Duties of assistant geologist.

SEC. 4. It shall be the duty of the state geologist, on or before the first Monday of January, in each and every year, during the time necessarily occupied by said survey, to make an annual report of said survey, and the progress thereof, accompanied with such maps, drawings and specimens, as may be necessary and proper, to exemplify and elucidate the same, to the governor of this state, who shall lay a copy of such report before the legislature.

Geologist to make annual report.

SEC. 5. It shall be the duty of the said state geologist to cause to be represented on the map of the state, by colors and other appropriate means, the various areas occupied by the different geological formations in the state, and to mark thereon the localities of the respective beds or deposits, of the various mineral substances discovered, and on the completion of the survey, to compile a memoir of the geology and mineralogy of the state, comprising a complete account of the leading subjects and discoveries, which have been embraced in the survey.

Shall compile memoir, &c.

SEC. 6. It shall be the duty of the said state geologist to forward to the Governor of this state, from time to time during the progress of said survey, such specimens of the rocks, ores, coals, soils, fossils, and other mineral sub-

Specimens to be deposited, &c.

tances, discovered and examined, properly labeled, as may be proper and necessary to form a complete cabinet collection of specimens, of geology and mineralogy of the state: and the said governor shall cause the same to be deposited in the cabinet of the university, there to be preserved for public inspection.

Amount appropriated.

SEC. 7. For the purpose of carrying into effect the provisions of this act, the sum of two thousand and five hundred dollars is hereby annually appropriated, to be drawn quarterly, for the term of four years, to be expended under the direction of the governor. The salaries of the said state geologist and his assistant, shall not however, commence until they have respectively entered upon the execution of their duties: and upon the completion of said survey, and of the duties connected therewith, the same shall wholly cease and determine.

SEC. 8. This act shall be printed immediately after the passage thereof, and when so printed shall be in full force.

Approved, March 25, 1853.

Chap. 48. An Act to appropriate a sum of money to defray the expenses of compiling the Documentary History of the State of Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the governor of this state, the sum of four hundred dollars, out of any money in the state treasury not otherwise appropriated, out of which the governor is hereby authorized and empowered to pay to William R. Smith, from time to time, such sums as in his discretion he may think necessary and proper to defray the expenses of compiling the documentary history of Wisconsin.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, March 29, 1853.

Chap. 49. An Act to locate the County Seat of Chippewa County, and organize the same for judicial and county purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the next annual election in

November, 1853, the county of Chippewa shall be organized for county purposes, and also for judicial purposes. Organized for county purposes.

SEC. 2. The county of Chippewa shall remain one town until the board of town supervisors shall divide the same into three or more towns, which division shall be made before the annual town elections of 1854. Town supervisors may create towns.

SEC. 3. There shall be elected at the annual town election, on the first Tuesday of April, 1853, in the said town of Chippewa, which comprises the whole territory of the said county of Chippewa, three supervisors, and all the town officers required to be elected in other towns of this state. Election of town officers.

SEC. 4. There shall be elected in the said Chippewa county, at the annual election in November next, such county officers as the said county by virtue of its organization and the privileges of this act shall be entitled to; and said officers shall hold their said office during the period of two years from and after the first day of January, A. D. 1854, and until their successors are elected and qualified. Election of county officers.

SEC. 5. There shall be elected by the qualified voters of said Chippewa county, on the third Tuesday of September next, a county judge, who shall enter upon the discharge of the duties of his office the first day of January, 1854, and hold his office for the term of four (4) years. Election of county judge.

SEC. 6. The circuit court in and for the said county of Chippewa, shall be held twice in each year, and at such times as the circuit judge may determine; and the county judge shall also have power to regulate or appoint the terms of his county court. Circuit court.

SEC. 7. The village of Chippewa Falls is hereby declared to be the seat of justice of the county of Chippewa, and it shall be the duty of the board of supervisors of Chippewa county, at their first session after the passage of this act, to locate the county buildings in such part of said village of Chippewa Falls, as they may deem most conducive to the best interests of the said county of Chippewa. Seat of justice.

SEC. 8. At the same meeting of the board of supervisors, they shall take such measures as they may deem proper to raise the necessary funds for the erection and completion of said buildings. County buildings.

SEC. 9. This act shall take effect, and be in force from and after its passage.

Approved, March 29, 1853.

Chap. 50.

An Act to ammend Chapter 19, of the Revised Statutes of this State.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Districts to levy tax.

SECTION 1. Chapter 19, of the revised statutes of this state, is hereby amended, so as to provide that no school district in this state, shall levy a tax, except at its first, and each annual meeting: *Provided*, That no person shall be entitled to vote in any school district of this state, who is not qualified to vote at a general election for state and county officers, and who shall not have resided at least ten days in the district where he or they may offer to vote.

Proviso.

Clerk to make out tax list.

SEC. 2. It shall be the duty of the clerk of each district, on or before the second Monday in October, in each year, to make out a tax list of the taxes legally voted by his district, and deliver such list, with his affidavit attached thereto, setting forth that the whole of the taxes contained in such list, were lawfully levied or assessed, according to the provisions of this act, to the town clerk of the town in which the lands taxed are situate, and he shall also notify the district treasurer of the amount of such tax.

Certificate to be filed.

SEC. 3. The town clerk, upon delivery to him of such list, shall give a certificate to the district clerk, of the amount of said list, which certificate shall be filed in the office of the said district clerk.

How tax collected.

SEC. 4. Such town clerk shall, in making out the duplicate assessment roll of the town, next thereafter enter such tax in a separate column therein, opposite the description of the lands upon which the taxes are so levied, respectively, and such taxes shall be collected in the same manner as the town and county taxes are collected, and when collected, shall be paid over to the town superintendent of such town, who snall pay the same to the treasurer of the district in which such taxes were originally levied.

SEC. 5. All provisions of chapter 19, of the revised statutes of this state, which conflict with, or contravene the provisions or any provision of this act, are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after the first day of September next.

Approved, March 29, 1853.

An Act concerning the Change of Venue. Chap. 51.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any person shall apply for a change of venue, of any cause pending in any court of record in this state, on account of the prejudice of the judge of said Court, in the manner provided by the first section of chapter ninety-five, (95) of the revised statutes, it shall be the duty of the judge or court to which such application is made, to award such change of venue: *Provided*, that not more than one change of venue shall be awarded in a cause; and this act shall not be construed as to authorize a change of venue in any cause wherein a change of venue has been already awarded: *And provided further*, That in cases now pending in the courts of record, in this state, wherein either party may have continued the case for one or more terms, a change of venue shall not be awarded in such case, otherwise than is provided in chapter ninety-five (95), of the revised statutes, but it shall be tried in the court where it is now pending, unless changed according to the provisions of said chapter.

SEC. 2. So much of section one (1), of chapter ninety-five (95), of the revised statutes as conflicts with the provisions of this act is hereby repealed.

Approved March 29, 1853.

An Act to change the time of holding the April Term of the Circuit Court in the County of Jefferson, and to provide for a Special Term thereof. Chap. 52.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the April term of 1853, of the circuit court of the county of Jefferson, be, and the same is hereby postponed, until the fourth Monday of October next. Postponement of April term.

SEC. 2. All writs, summons, process, recognizances, or other proceedings, made returnable by any law of this state to the said April term of said court, shall be taken to be returnable to the said October term: Where proceedings returnable.

Provided, That it shall be the duty of the judge of said court, as soon as possible, to appoint and hold a special term thereof, at which may be heard and determined all suits and matters which might have been heard and determined by the court at the said April term, hereby postponed, and the clerk of said court, shall immediately after Proviso.

such special term shall be appointed, cause notice thereo to be published in each of the newspapers printed in sai county.

SEC. 3. The secretary of state, shall immediately caus this act to be published in the Watertown Chronicle, an State Register, printed at Watertown, in said county, an the same shall be in force from and after such publication

Approved, March 29, 1853.

Chap. 53. An Act to regulate the duties, and to provide for paying the salary of th Commissioner of Emigration, and the expenses of the office, and makin an appropriation therefor.

The people of the State of Wisconsin, represented i Senate and Assembly, do enact as follows:

Duties of commissioner.

SECTION 1. The commissioner of emigration shall kee an office in the city of New York, from the first day of Ma 1583, to the first day of May, 1854, at a convenient plac in said city, and keep the same open during the usu business hours, to distribute free of expense, to the em grants, pamphlets in their respective languages, containin a description of the state, to give the emigrant informatio in relation to the soil and climate of the state, the branch of business pursued therein, and the cheapest and mo expeditious routes to reach the same; to keep up a corre pondence with some of the most extensively circulat newspapers in Europe, wherein a detailed description of th natural advantages of the state of Wisconsin shall be give relating to agriculture, mining, manufacturing, mechanic purposes; to protect emigrants as far as practicable, again imposition; to report the number of emigrants sent to th state, their nationality and business, and to employ sn assistants, and send them to other cities, to establish a open offices, and discontinue the same as it may be exp dient.

Salary.

SEC. 2. The commissioner of emigration shall recei an annual salary of fifteen hundred dollars, to be pa quarterly by the state treasurer, in the same manner as th salaries of other state officers are paid.

Salary of assistant, &c.

SEC. 3. There shall be paid out of the treasury, to th commissioner of emigration, on the warrant or warrants the governor, such sum or sums of money, not exceedi in all twenty-three hundred dollars, as in the judgment the governor may be required for salary of assista

office rents and expenses, printing and publishing pamphlets, cards, correspondence, and advertisements.

SEC. 4. The commissioner of emigration shall make and return annually to the governor, a full and detailed statement and account of all the expenses and disbursements of the office, which shall be testified by him by affidavit. To return account of expenses.

SEC. 5. This act shall take effect from and after its passage.

Approved, March 31, 1853.

An Act to provide for the publication of certain laws in the German Language. Chap. 54.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The secretary of state is hereby authorized and required to furnish to Schoeffler and Wendt, for publication in the Wisconsin Banner, one copy of all laws passed during the present session of the legislature, which by the law of last winter relating to printing, "are required to to be published in the volume of general laws."

SEC. 2. The said Schoeffler and Wendt, shall, as soon as all such laws mentioned in the foregoing section have been so published, file an affidavit with the secretary of state, of the correct translation and publication of said laws.

SEC. 3. The price for such publication, shall not exceed the amount charged for publishing the same laws in the English language, and shall also include translation from the English into the German language.

Approved, March 31, 1853.

An Act authorizing the borrowing of money on the faith and credit of the State, to defray the extraordinary expenditures. Chap. 55.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of defraying the extraordinary expenditures, a loan of fifty thousand dollars is hereby authorized and required to be made on the faith and credit of the state, in the form hereinafter specified, and for the following purposes, to wit: To pay the ap- Powers to borrow money.

How to be appropriated.

propriations for the maintenance and furnishing of the asylum for the blind, for territorial indebtedness, for the keeping of state prisoners, and to pay such appropriations as may be made for the expenditures incurred for the building and maintenance of the states prison, for paying the appropriations which may be made for the expenditures incurred in the impeachment of one of the judges of the circuit court of this state, now pending before this legislature.

Governor to prepare state bonds.

SEC. 2. The governor as soon as practicable after the passage of this act, shall cause to be prepared state bonds, with coupons attached, of the state of Wisconsin, printed in blank, for the sum of one thousand dollars each, to the number of fifty, and shall execute the same as the executive of the state, for, and on behalf of the state, and cause the great seal of the state to be affixed thereto. Said bonds to be made payable at such place within the state of Wisconsin, or at the city of New York, as may be deemed for the best interest of the state, five years from the first day of April, 1853, at a rate of interest not exceeding seven per cent. per annum, payable annually, at such place as the princpal of said bond is made payable, the interest on said coupons being payable on the first day of April, 1854, 1855, 1856, and 1857; the principal on said bonds, to become due on the first day of April, 1858: *Provided*, That the interest due and payable, on the first day of April, A. D. 1854, and each year thereafter, until the principal is paid, may by the terms of said bonds and coupons, be made payable, and be paid, on any day previous to the day on which by the provisions of this section it becomes due, as the governor in his discretion may deem proper.

Proviso.

To give public notice.

SEC. 3. Immediately after the passage of of this act, the goveror shall cause a notice to be published in one of the daily newspapers printed in the city of Milwaukee, giving notice that up to a day specified, not less than ten days from the first publication of said notice, he will receive sealed bids or proposals for the said bonds, in parcels not exceeding ten in number, and shall negotiate the same with the best bidder or bidders, whose bids or proposals are the most advantageous to the state: *Provided*, That the governor may negotiate a number of said bonds, not exceeding ten, immediately, if he shall deem it advisable: *Provided*, That the said money arising from the sales of said bonds and coupons, attached, shall be deposited with

Proviso.

the treasurer of the state, and be applied by him for the purposes specified in the act: *And provided further*, That such bonds shall not be negotiated for less than their par value.

SEC. 4. An annual tax of one fifth of one mill on the dollar valuation, shall be and is hereby levied upon the taxable property in the state, for the years 1853, 1854, 1855, and 1856, to be collected in addition to, and with the state tax, levied annually, to provide for the current expenses of the state, and a sufficient amount of the proceeds of said tax is hereby appropriated annually to pay the said interest to become due on the first day of April, of the years 1854, 1855, 1856, and 1857. To levy tax to pay current expenses.

SEC. 5. A state tax shall be and is hereby levied, for the year 1857, which shall be collected in addition to, and with the other state taxes for the same year, said tax to be a sum of money sufficient to pay the amount of principal of the bonds aforesaid, and the interest to become due, on the first day of April 1858: and unless the legislature at their session preceding the collection of any of the said taxes to pay the interest and the principal of said loan, shall make provision to levy and collect such annual tax, in addition to, and with the other state taxes, it shall be the duty of the secretary of state, then in office, to apportion such tax among the several counties, in proportion to the taxable property therein, as ascertained from the last returns made to him by the clerks of the several boards of supervisors, and shall before each annual session of such board of supervisors, make out and transmit to each clerk thereof, the amount of such tax so apportioned to his county, and shall in such case, charge to each county the amount apportioned to the same, and each of such counties shall be liable for the payment into the state treasury, by the second Monday of February next succeeding, for the amount so charged to the same. To pay principal and interest on bonds.

SEC. 6. Whenever the proceeds of any tax authorized by this act, shall be insufficient to pay the interest on said principal sum coming due, then, and such case, the treasurer shall pay the same out of any funds in the treasury not otherwise specially appropriated; and it shall be the duty of said treasurer, to forward the amount of interest or principal to become due, to the place where such bonds are made payable. When tax insufficient.

SEC. 7. The legislature may from time to time, pass laws for the purpose of more effectually carrying out the Property taxable.

provisions of this act in regard to the taxes; and all property liable to taxation in any year for general state purposes, shall be liable to taxation under this act: *Provided*, That nothing herein contained, shall prevent the legislature from declaring from time to time, what property shall be liable to taxation.

SEC. 8. The faith of the state is hereby pledged, to carry out the provisions of this act.

SEC. 9. This act shall take effect from and after its passage.

Approved, March 31, 1853.

Chap. 56.

An Act for the appointment of a Travelling Emigrant Agent.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Governor to appoint emigrant agent.

SECTION 1. An emigrant agent for the state of Wisconsin shall be appointed by the governor, whose duty it shall be to travel constantly between this state and the city of New York, from the first day of May next, to the first day of December next, and see that correct representations be made in eastern papers, of our great natural resources, advantages and privileges, and brilliant prospects for the future; and to use every honorable means in his power to induce emigrants to come to this state.

Power to remove.

SEC. 2 The governor shall have power to remove such agent for inefficiency and misconduct in the discharge of the duties of his office, and to appoint some proper person in his place.

Salary.

SEC. 3. The agent shall be entitled to receive the sum of fifteen hundred dollars out of the state treasury, at the end of his term of service: *Provided*, He shall obtain the certificate of the governor to the fact that he has faithfully and energetically performed the duties of his office, and that his exertions have been attended with sufficient benefit to the state at large, to entitle him to it, otherwise he shall receive no compensation.

SEC. 4. This act shall take effect from and after its passage.

Approved, March 31, 1853.

An Act to amend Chapter fifteen of the Revised Statutes. **Chap. 57.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All lands upon which the taxes, interest, and charges shall not be paid, as provided by law, shall be sold therefor according to existing laws, and the officer making the sale shall set forth in the certificate thereof, issued to the purchaser, in addition to the facts now required by law to be stated in certificates of sale of lands, sold for taxes, that the holder of such certificates, has a lien upon the lands therein described, for the amount for which such lands were sold, and for all taxes subsequently assessed on such lands that he shall pay, with costs, charges, and interest, on the several amounts as provided by law, and that such holder may foreclose such lien, in the manner provided by law, at any time after the expiration of three years from the date of such certificate, and any law of this state requiring the officer making such sale, to state the time when the purchaser or holder will be entitled to a deed, in the certificate of sale, is hereby repealed. **Taxes unpaid, land sold.**

SEC. 2. The purchase money set forth in any certificate of sale, of any tract of land sold for taxes, and the costs, and charges, and interest, as allowed by law, and all taxes paid by the holder of such certificate, or his assigns, subsequent to the date thereof, with interest thereon at the rate of twenty-five per centum per annum, from the time of payment, shall be a lien upon such land until the same shall be redeemed as provided by law, and the transfer of any such certificate, shall also transfer to the assignee, the right of the assignor to such subsequent taxes and interest. **Lien on land.**

SEC. 3. The holder of any certificate of sale of lands sold for taxes at any time after the expiration of three years from the date of such certificate, may in case there is no subsequent certificate of tax sale of such land unredeemed, and not owned by such holder, and also, in case all taxes assessed on such land subsequent to the date of such certificate, have been paid, file his bill in chancery in the circuit court of the county where the land lies, or in any other court in such county, having chancery jurisdiction, for the foreclosure of his lien under such certificate, by a sale of the land subject to such lien, under the decree of the court for the satisfaction thereof. The **Holder of certificate can file bill in chancery.**

Who to be made parties to the suit.

owner and all persons having any interest in such land if known, shall be made parties to the proceeding, and served with process, which process and the service thereof, shall conform as near as may be to the practice of the courts of chancery, in the forclosure of mortgages, and in case such owner or other person so interested, are unknown, the bill and proceedings shall be against the unknown owners of such land describing it; and in case any such land is occupied, notice of such foreclosure shall be served upon the occupant, who may defend the suit on his own motion. The court shall allow the complainant's lien, and the certificate of sale, and the receipts of the proper tax collecting officers, shall be evidence thereof, and shall upon ascertaining the amount of such lien, enter up a decree against the land for such amonnt, together with all the costs of suit and sale, and also a decree that the land and premises subject to such lien, or so much or such part thereof as will be sufficient to satisfy the amount so due, be sold to satisfy and discharge the amount of such decree against it, which decree of sale, shall be carried into effect as near as may be, in the same manner as decrees for the foreclosure of mortgages, and the complainant may become the purchaser at the sale. If the land should be sold for more than the amount of the decree against it, and all costs, the excess shall be paid over to those entitled to it, under an order of the court. The decree of foreclosure shall set forth the amount of liens against each tract of land, as the same was sold, and the whole of each tract of land shall be offered for sale separately for the amount of liens decreed against it, unless the court shall otherwise order and decree. Upon the coming in of the report of sale made by the officer conducting the same, the court shall, if no good cause be shown to the contrary, enter an order directing such officer to execute, acknowledge and deliver to the purchaser, or his or her assignees, a deed of the lands and premises so sold, which deed shall be executed and acknowledged as deeds for the convey ance of real estate, are required to be executed and acknowledged by the laws of this state and such deed so executed and acknowledged, shall be conclusive evidence that the title in fee simple of the lands and premises described in such deed, is absolutely and indefeasibly vested in the grantee thereof, subject however to be divested by a reversal of the decree of foreclosure or the proceedings subsequent thereto.

Notice to be served on occupant.

Court to enter order.

SEC. 4. All lands sold for taxes may be redeemed from such sale in the manner provided by existing laws at any time before the deed is executed, approved and acknowledged, as provided by this act, by paying to the clerk of the board of supervisors the amount of the certificate of sale, and all subsequent taxes paid by the holder of such certificate, with the interest; and if such redemption is sought to be made, after suit is brought to foreclose the tax lien on any land so sought to be redeemed, the same shall be made by paying the amount thereof, together with all interest and costs of suit, to the clerk of the court. Lands may be redeemed.

SEC. 5. Any person or party interested in the orders and decrees of the court made under this act, may appeal therefrom to the supreme court as in other cases. May appeal to Supreme Court.

SEC. 6. The owner of any land, or person interested therein, the tax lien upon which has been foreclosed, in pursuance of the provisions of this act, may file at any time within one year after such foreclosure, in the proper court, his petition under oath, stating that the taxes assesed upon such land for the year which was the basis of such foreclosure, were actually paid, or if sold for such taxes, that the land was redeemed from such sale as provided by law, or that such land was not subject to taxation for such year, and also that he had no personal notice of the suit for such foreclosure, and thereupon the court shall open such decree of foreslosure, and award a hearing upon the facts alledged only, and if upon such hearing the facts alledged shall be found to be true, the court shall set aside the decree of foreclosure, and order the deed to the purchaser to be cancelled, and enter up a decree cancelling the same, and that the land conveyed by such deed, be discharged from such tax lien, which was the basis of such deed, and shall also by decree, award costs to the defendant or defendants. Any minor owning or having any interest in land sold for taxes, which shall be foreclosed under this act, at any time before arriving at full age, and one year thereafter, may on petition, have a hearing of such forclosure upon the merits of the cause, and may have the right of redemption at any time before the second final decree of foreclosure; and idiots, insane persons, and married women, shall have the same right to a rehearing in such cases as minors, at any time within five years after the final decree of foreclosure shall be entered up: *Provided*, That in no case, shall any decree of foreclosure be set aside under this section, unless the taxes

When decree of foreclosure set aside.

Minors to have right of redemption.

Proviso.

actually, and in good faith paid by the complainant in such foreclosure suit, and also the amount paid by the purchaser at the sale under such foreclosure, or by any person claiming under him, with interest thereon from the date of payment, at the rate of twenty-five per cent. per annum, are paid or tendered, to the person or persons claiming under such foreclosure sale, unless the same taxes have also been paid by the person seeking to set aside such foreclosure, or those under whom he claims.

Bill to be supported by oath.

SEC. 7. In bills to foreclose under this act, it shall not be necessary to a valid decree, that the names of the owners are correctly set forth, if the premises are described with reasonable certainty. The bill shall be supported by the oath of the complainant, or of some person having a knowledge of the facts alledged; it shall set forth the names of the persons interested if known, and if unknown, that the complainant on diligent inquiry, could not ascertain those facts, and it shall only be necessary further to state, except as is otherwise provided by this act, the amount of lien claimed on each tract of land as the same was sold, and that the complainant prays the sale of the premises to satisfy such lien.

Who made parties.

SEC. 8. Any person interested in the premises described in any bill of foreclosure, filed under the provisions of this act, and not named therein as a defendant, shall be made a party defendant in such suit, at any time before a decree shall be entered for the sale of the premises, on making and filing an affidavit in said court, setting forth that he is interested in said premises; and no defendant in any foreclosure suit instituted under the provisions of this act, shall be allowed to set up by his plea, answer, or otherwise, any other defence or defences, to the complainant's bill except the following, viz:

1. That the premises described in the complainant's bill, or some part thereof, were not subject to taxation at the time the tax or taxes were levied, for the non-payment of which the same were sold.

2. That the tax or taxes for the non-payment of which the said premises were sold, were in fact paid before such sale.

3. That the said premises were redeemed as provided by law, previous to the filing of said bill of foreclosure.

SEC. 9. In case a party holding any certificate of sale, shall pay the taxes subsequently assessed, and wish to avail himself of the provisions of this act, as to the re-

demption for said subsequent taxes, he shall file with the clerk of the board of supervisors of the county in which the land lies, a copy of the receipt for such taxes, and it shall be the duty of the clerk to enter said amount in his book of record of tax sales.

SEC. 10. Section ninety-five, one hundred and seven, one hundred and nine, and one hundred, of chapter fifteen of the revised statutes, so far as relates to land sold for taxes, after the passage of this act, and the certificates upon such sales, and all parts of any law of this state which conflicts with the provisions of this act, are hereby repealed.

Approved, March 31, 1853.

An Act to authorize the Secretary of State to audit certain accounts.

Chap. 58.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Publishers accounts to be audited.

SECTION 1. The secretary of state or deputy secretary of state, is hereby authorized and required to audit the accounts of the several newspaper publishers of this state, for newspapers furnished the legislature during the present session, and to settle such accounts, allowing said publishers for three months papers, at the advertised rates of such papers per year.

Verified by oath.

SEC. 2. Such accounts shall be verified to the secretary, by oath of such publishers, that the papers were furnished during the session, accompanied by a statement of the yearly terms of such papers.

SEC. 3. The secretary of state, or deputy secretary of state, is authorized to draw warrants on the state treasurer, in favor of the respective publishers for the amounts found due them, and there is hereby appropriated out of any monies in the state treasury not otherwise appropriated, a sum sufficient to meet said drafts.

Approved, April 2, 1853.

An Act to provide for the contingent expenses of the State of Wisconsin, for the year one thousand eight hundred and fifty-three.

Chap. 59.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of five thousand dollars is hereby appropriated to Leonard J. Farwell, governor of this

Appropriation for contingent expenses.

state, out of any money in the treasury not otherwise appropriated, for the purpose of defraying the contingent expenses of the state, for the year one thousand eight hundred and fifty-three, which sum shall be drawn from time to time, as may be required. And the governor shall communicate to the legislature at its next session, a detailed account of such expenses for the year 1853, and the amount expended of this appropriation.

Approved, April 2, 1853.

Chap. 60.

An Act to cede the jurisdiction of the State of Wisconsin over certain lands to the United States.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Land ceded the U. S. for light-house purposes.

SECTION 1. That the jurisdiction of the state of Wisconsin, over five acres or less of land which may be selected by an officer of the United States government, for light house purposes; to be located at or near the northern outlet of lake Winnebago, near Menasha, in the county of Winnebago, and state of Wisconsin, be and the same is hereby ceded to the United States, for the purpose of maintaining a light house on the same: *Provided*, That this act shall in no manner take away or interfere with the jurisdiction of this state for the purpose of serving or executing any legal process.

Proviso.

SEC. 2. This act shall take effect from and after its passage.

Approved, April 2, 1853.

Chap. 61.

An Act in relation to Clerks of Circuit Courts and for other purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Clerks of circuit and county courts not to practice as attorneys in their own counties.

SECTION 1. No person acting as clerk of any circuit or county court in this state, shall be allowed to practice as attorney or solicitor, in the court in which he is acting as clerk.

SEC. 2. No practising attorney shall be allowed to hold his office in the office of the clerk of any court in which he is a practicing attorney.

Approved, April 2, 1853.

An Act to provide for the purchase of Stationery for the next Legislature. Chap. 62.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. James Halpin, is hereby authorized to purchase all stationery necessary for the use of the next legislature.

SEC. 2. There is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of two thousand dollars, as a contingent fund, for the purchase of such stationery. Appropriation to purchase stationery.

SEC. 3. The said James Halpin is hereby required to make out an accurate account of the disposition of such fund, to the proper committee of the next legislature, and he is also required to give a bond in the sum of three thousand dollars, to the state treasurer, with sureties, which bond shall be approved by the governor, for the faithful expenditure of the said sum of two thousand dollars, or so much thereof as may be necessary for the purposes mentioned in the first and second sections of this act: *Provided*, That before drawing any of said sum of two thousand dollars, the said James Halpin shall make and execute such bond to the state treasurer, with two or more sufficient sureties, to be approved by the governor: *And provided also*, That the purchase of stationery made by the said James Halpin, shall be by contract, and said contract shall be let to the lowest bidder, in accordance with section 25, of article 4, of the constitution of this state. Required to give bond. Proviso.

Approved, April 2, 1853.

An Act to provide for the compensation of Members of the Legislature. Chap. 63.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Each member of the senate and assembly, of this state, shall be entitled to receive two dollars and fifty cents, for every day's attendance during the session of the legisture, and ten cents for every mile he shall travel, in going to and returning from the place of the meeting of the legislature, on the most usual route. Per diem of members of legislature.

SEC. 2 The speaker of the assembly, shall be entitled to receive for every day's attendance during the session of the assembly, two dollars and fifty cents in addition to his per diam as a member of the assembly. And president Of Speaker.

Of President pro tem. of Senate.

pro tem. of the senate, two dollars and fifty cents per diem, in addition to his pay as a member of the senate, for every day he may serve during the session, as such president pro. tem., to be certified to by the chief clerk of the senate.

Of Lieutenant Governor.

SEC. 3. The lieutenant governor shall be entitled to receive five dollars for every days attendance as president of the senate, and the same mileage as is allowed to members of the senate and assembly.

When paid.

SEC. 4. Such sums as may become due to each member respectively, including the lieutenant governor, and speaker of the assembly, shall be paid by the state treasurer out of the state treasury, upon the receipt of a certificate, signed by the president of the senate or speaker of the assembly, (as the case may be), setting forth the number of days that the member in whose favor it is given has attended, and the estimated distance of his place of residence, from the place of the meeting of the legislature.

SEC. 5. There is hereby annually appropriated a sum sufficient, to be paid out of the state treasury, to meet the demands of this act, without any further legislation.

Approved, April 2, 1853.

Chap. 64. **An Act to authorize the Governor to designate a Circuit Judge to hold the May Term of the Milwaukee Circuit Court.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Governor to appoint judge to hold May term of circuit court for Milwaukee county.

SECTION 1. The governor is hereby authorized to designate and appoint some one of the judges of the circuit courts of this state, to hold the May term of the circuit court, in the county of Milwaukee.

Proviso.

SEC. 2. The judge who may be designated and appointed by the governor, in pursuance of the first section of this act, is hereby required to hold the May term of the circuit court in the county of Milwaukee: *Provided*, Such judge is not by present laws, required to hold a term in any county in the judicial district in which he resides, in the month of May next.

SEC. 3. This act shall be published immediately, and shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

An Act to amend Section eight, of Chapter one hundred and nineteen of the Revised Statutes. Chap. 65.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight, of chapter one hundred and nineteen, of the revised statutes, is hereby so amended, as only to require that the sureties in the replevin bond therein mentioned, should swear that they are worth an amount each, over and above all debts and exemptions, sufficient in the aggregate, to amount to the penalty of the bond.

Approved, April 2, 1853.

An Act granting further powers to the Board of Supervisors of the several Counties. Chap. 66.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of each county in this state, shall have power and authority at any legal meeting in addition to the powers heretofore conferred upon them, to equalize the assessment upon plank and railroad companies passing through the several towns in said counties, either to raise or lower the same.

Approved, April 2, 1853.

An Act to amend Chapter ninety-three, of the Revised Statutes. Chap. 67.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter ninety-three of the revised statutes, is hereby so amended as to authorize tender in all cases of involuntary trespass; and when in the opinion of the court or jury, a sufficient amount was tendered to the party injured, his agent or attorney, for the trespass complained of, judgment shall be entered against the plaintiff for costs: *Provided*, That the defendant keep his tender good, by paying the amount of money into court, at the trial, for the use of the plaintiff.

Approved, April 2, 1853.

Chap. 68. **An Act providing for the organization of Joint Stock Companies.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Organization.

SECTION 1. All corporations organized and established under the provisions of this law, shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, appearing and prosecuting to final judgment, in any court in this state; they may have a common seal, and alter the same at pleasure; elect in such manner as they may determine, all necessary officers, fix their compensation, and define their duties; ordain and establish by-laws for the government and regulation of their affairs, and alter and repeal the same, and employ all such agents, mechanics, and other laborers as they shall think proper.

Election of officers.

Number of persons requisite to constitute a body politic.

SEC. 2. Any number of persons not less than three, who by articles of agreement in writing, shall associate according to the provisions of this law, under any name assumed by them, for the purpose of engaging in, and carrying on any kind of manufacturing, mechanical, mining, or quarring business, or any other lawful business, and who shall comply with the provisions of this law, shall, with their successors and assigns, constitute a body politic and corporate, under the name assumed by them in their articles of association.

Amount of stock required.

SEC. 3. The amount of the capital stock in every such corporation, shall be fixed and limited in their articles of association, and shall in no case be less than four thousand dollars, nor more than three hundred thousand dollars, and shall be divided into shares of twenty-five dollars each.

Purposes for which established.

SEC. 4. The purpose for which every such corporation shall be established, shall be distinctly and definitely specified by the stockholders in their articles of association, and it shall not be lawful for said corporation, to direct its operations, or appropriate its funds to any other purpose.

Two members may call first meeting.

SEC. 5. When any number of persons, shall have associated according to the provisions of this law, any two of them may call the first meeting of the corporation, at such time and place as they may appoint by giving notice thereof in any one or more newspapers, published in the county in which said corporation is to be established, or in any adjoining county, at least fifteen days before the time appointed for such meeting.

SEC. 6. The stock, property, affairs and business, of every such corporation, shall be under the care of, and shall be managed by not less than three directors, who shall be chosen annually, by the stockholders, at such time and place as shall be provided by the by-laws of said corporation, and who shall be stockholders; and shall hold their offices for one year, and until others shall be chosen in their stead. **Three directors to be chosen annually.**

SEC. 7. Every such corporation shall, by their said name, have power to acquire and hold all such lands, tenements, and hereditaments, and all such property, of every kind, as shall be necessary, for the purposes of said corporation; and such other lands, tenements, and hereditaments, as shall be taken in payment of, or as security for debts, due to such corportion, and to manage and dispose of the same at pleasure. **Their powers.**

SEC. 8 The directors of every such corporation shall choose one of their number to be president, and shall also choose a secretary and treasurer, and such officers as the by-laws of the corporation shall prescribe, who shall hold their offices until others shall be chosen in their stead. **May appoint president and officers.**

SEC. 9. The directors may call in the subscription of the capital stock of such corporation, by installments, in such proportion and at such times and places as they shall think proper, by giving such notice thereof, as the by-laws shall prescribe; and in case any stockholder shall neglect or refuse payment of any such installment, for the space of sixty days, after the same shall have become due, and payable, and after he shall have been, notified thereof, the stock of such negligent stockholder, shall be sold by the directors at public auction, giving at least thirty days notice in some newspaper, published in the county where the business of such corporation is transacted, or in an adjoing county; and the proceeds of such sale, shall be first applied in payment of the installment called for, and the expenses attending the call, and the residue shall be refunded to the owner thereof; and such sale shall entitle the purchaser to all the rights of a stockholder, to the extent of the shares so bought. **May call in subscription of capital stock.** **Power to sell in case of non-payment.**

SEC. 10. A majority of the directors of any such corporation, convened according to the by-laws, shall constitute a quorum for the transaction of business; and a majority of the stockholders present at any legal meeting, shall be capable of transacting the business of that meeting; and at all meetings of such stockholders, each share shall entitle the holder therof to one vote. **Number required to transact business.**

To fill vacancies.

SEC. 11. The directors of every such corporation, for the time being, shall have power to fill any vacancy which may happen in their board by death, resignation or otherwise, for the current year.

Election of directors.

SEC. 12. If it shall so happen that an election of directors in any such corporation shall not take place at the annual meeting thereof, in any year, such corporation shall not thereby be dissolved, but an election may be had at any time within one year, to be fixed upon, and notice given by the directors.

May call meetings.

SEC. 13. The by-laws of such association formed under this law, thall contain ample provisions for the calling of meetings, in case of a failure to hold the regular annual meeting.

Books open for inspection.

SEC. 14 The books of every corporation, containing their accounts, shall at all reasonable times be open for the inspection of any of the stockholders, and as often as once in each year, a statement of the accounts of such corporation shall be made by order of the directors.

May increase capital.

SEC. 15. Every such corporation may increase its capital stock, and the number of shares therein, at any meeting of the stockholders specially called for that purpose: *Provided*, That the amount so increased, shall not exceed the amount authorized by the provisions of this law.

Stock deemed personal property.

SEC. 16. The stock of every such corporation shall be deemed personal property, and be transferred only on the books of such corporation, in such form as the directors shall prescribe; and such corporation shall at all times have a lien upon all the stock or property of its members, invested therein, for all debts due from them to such corporation.

Lien on.

Articles of corporation to be published before formed.

SEC. 17. Before any corporation formed and established by virtue of the provisions of this law, shall commence business, the president and directors thereof, shall cause their articles of association to be published at full length, in two newspapers published in the county in which said corporation is located, or in an adjoining county if there be such papers, if not, in the newspaper published nearest to the location of said corporation; they shall also make a certificate of the purposes for which such corporation is formed, the amount of their capital stock, the amount actually paid in, and the names of their shareholders, and the number of shares by each respectively owned; which certificate shall be signed by the president and a majority of the directors, and deposited

Purposes for which formed.

Certificate to be signed by president.

with the secretary of state, and a duplicate thereof, with the town clerk of the town, or clerk of the village or city, in which said corporation is to transact its business; and said secretary of state, and town clerk shall record the same, in books to be kept by them for that purpose; and within thirty days after the payment of any installment called for by the directors of such corporation, a certificate thereof shall be made, signed, deposited and recorded, as aforesaid.

Increase of capital stock.

SEC. 18. If any such corporation shall increase its capital stock as before provided, the president and directors shall, within thirty days thereafter, make a certificate thereof, which shall be signed, deposited and recorded, as in the preceding section is provided.

Certificate of capital.

SEC. 19. Every such corporation shall annually, in the month of January or of July, make a certificate containing the amount of their capital, actually paid in, the amount of their debts and credits at the time of the making of such certificate, as nearly as the same can be ascertained, with the name of each stockholder, and the number of shares held by him at the date of such certificate, which certificate shall be signed by the president and secretary of said company, and deposited with the town clerk of the town, or clerk of the city or village in which such corporation transact their business; and whenever any stockholder shall transfer his stock in any such corporation, a certificate of such transfer shall forthwith be deposited with the clerk as aforesaid, who shall note the time of said deposite, and record it at full length, in a book kept by him for that purpose; and no transfer of stock shall be valid as against any creditor of such stockholder, until such certificate has been so deposited; and all certificates of transfers of stock made pursuant to the provisions of this section, shall be valid without being verified by the oath or affirmation of the person subscribing the same.

Notice of transfer.

When not valid.

When valid.

Certificates required on oath.

SEC. 20. The certificates required by the three preceding sections, except certificates of transfer of stock, shall be made under oath or affirmation, by the person subscribing the same; and if any person shall, as to any material facts, knowingly swear or affirm falsely, he shall be deemed guilty of perjury, and be punished accordingly.

Penalty for false swearing.

Liability of stockholders.

SEC. 21. If the capital stock of any such corporation shall be withdrawn, and refunded to the stockholders, before the payment of all the debts of the corporation, for which said stock would have been liable, the stockholders

shall be liable to any such creditor, of such corporation, in an action founded on this statute, to the amount of the sum refunded to them respectively, as aforesaid: *Provided always*, That if any such stockholder shall be compelled by any such action to pay the debts of any creditor, or any part thereof, he shall have the right by bill in equity, to call upon all the stockholders to whom any part of said stock has been refunded, to contribute their proportional part of the sum paid by him as aforesaid.

Proviso.

Liability of directors.

SEC. 22. If the directors of any such corporation shall declare and pay a dividend when the corporation is insolvent, or any dividend, the payment of which would render it insolvent, knowing such corporation to be insolvent, or that such dividend would render it so, the directors assenting therennto shall be jointly of severally liable in an action founded on this statute, for all debts due from such corporation at the time of such dividend.

Liability of president, directors, secretary, &c.

SEC. 23. If the president, directors, or secretary of any such corporation shall intentionally neglect or refuse to comply with the provisions of, and to perform the duties required of them, respectively, by the 17th, 18th, and 19th, sections of this act, such of them so neglecting or refusing, shall jointly and severally, be liable, in an action founded on this statute, for all debts of such corporation contracted during the period of any such neglect and refusal.

Penalty for violation of law.

SEC. 24. If any corporation organized and established under authority of this act, shall violate any of its provisions, and shall thereby become insolvent, the directors ordering or assenting to such violation, shall jointly and severally, be liable in an action founded on this statute, for all debts contracted after such violation as aforesaid.

Liability of stockholders.

SEC. 25. The stockholders of any corporation, organized under the provisions of this act, shall be jointly and severally liable for all debts that may be due or owing to all their laborers, servants and apprentices, for service performed by them for such corporation, within six months next preceding the demand made for any such debt, and if any stockholder is compelled to pay such debts, he shall have his remedy by bill in equity, or otherwise, to obtain a contribution from the other stockholders of their proportion of such debt.

Legislature may rescind

SEC. 26. The legislature may at any time, for just cause rescind the powers of any corporation organized under this

act, and prescribe such mode as may be necessary for the settlement of its affairs. powers of corporation.

SEC. 27. Chapter 51 of the revised statutes of this state, and all other laws conflicting with the provisions as herein established for the organization and government of joint stock companies, are hereby repealed.

Approved, April 2, 1853.

An Act to prohibit the circulation of unauthorized Bank paper. **Chap. 69**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. No person or persons, shall issue, pay out or pass, and no body corporate, shall issue, pay out or pass, or receive in this state as money, or as an equivolent for money, any promissory note, draft, order, bill of exchange, certificate of deposit, or other paper of any form whatever, in the similitude of bank paper, circulating or inteded to circulate as money or banking currency, that is not at the time of such issuing, paying outpassing, or receiving, expressly authorized by some positive law of the United States, or one of the United States or of Canada, and redeemable in current gold and silver coin, at the place where it purports to have been issued. And the burden of proving the existence of such law, and the redemptionof the promissory note, bill of exchange, draft, order, certificate of deposit, as aforesaid, at the place of issue, shall rest upon the person or body corporate, paying out, passing, receiving or issuing the same. Circulation of unauthorized bank paper prohibited.

SEC. 2. From and after the first day of January, A. D. 1854, no person or persons, or body corporate shall pay, give or receive in payment, or in any way, circulate as money, any bank bill, promissory note, check, draft, or other evidence of debt, which shall purport to be for the payment of a less sum than five dollars, and which may have been issued by any banking association or corporation out of this state, and any person or persons, or body corporate offending against any of the provisions of this section, shall forfeit and pay for every such offence not less than five, nor more than one hundred dollars, to be recovered by any person, sueing therefor, as debts of the like amount are by law recoverable, one half for his own use and the other half to be paid into the county treasurer. Of a sum less than five dollars.

Penalty on person violating.

SEC. 3. Any person who shall knowingly violate the provisions of the first section of this act, shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by fine of not less than ten; nor more than one hundred dollars, or by imprisonment in the county jail for a term of not less than one, nor more than six months, or by such fine and imprisonment, in the discretion of the court.

Body corporate violating.

SEC. 4. Any body corporate that shall violate the provisions contained in the first section of this act, shall forfeit all the rights privi eges and franchises conferred by the charter or act of incorporation of such body corporate, and shall also forfeit and pay for every such violation, for the use of the school fund of this state, the sum of five hundred dollars, to be recovered by an action of debt in any court of competent jurisdiction in the name of the state of Wisconsin, on the relation of any person who may see fit to prosecute the same. And any officer, director, stockholder or agent, of such body corporate, who shall in the name of such corporation or otherwise, violate any of the provisions of said first section, shall be subject to all the pains and penalties prescribed in the second section of this act, the same as if said violation had been committed in his individual capacity; and any such offence committed by any person named in this section, may be prosecuted in any county of this state where any of said paper may be found circulating.

Person informing.

SEC. 5. Any person who shall inform against, and cause to be prosecuted to conviction any person, or who shall on his own relation cause to be prosecuted to judgment any body corporate for violating the provisions contained in the first section of this act, shall be entitled to receive one half of the fine or forfeiture imposed for such violation when collected.

Justice of the peace to have jurisdiction.

SEC. 6. Justices of the peace shall have full power and concurrent jurisdiction to try and determine all misdemeanors, arising under the provisions of this act, upon complant on oath being made for that purpose, by any person, in the same manner, and with same privilege of trial by jury to the accused, as provided in chapter eighty-nine of the revised statutes of Wisconsin.

Effect on contracts.

SEC. 7. All contracts that shall be made or entered into of any kind whatever, the consideration of which, in whole or in part, shall consist of any such circulating paper as is prohibited by the first and second sections of this

act, and all payments made in any such unauthorized paper shall be null and void for any purpose whatever.

SEC. 8. The certificate of the secretary of state of any of the several states of the United States, and his hand and seal, shall be legal evidence of the corporate existence of any and all banking corporations within such state.

SEC. 9. This act shall be immediately published by the secretary of state, and take effect and be in full force from and after the first day of July, 1853: The secretary of state, shall cause this act to be published in every newspaper in this state.

Approved, April 2, 1853.

An Act for the encouragement of Agriculture, and its kindred arts, in this State. **Chap. 70.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby annually appropriated, until the legislature shall by law otherwise direct, to the Wisconsin state agricultural society, the sum of one thousand dollars, to be expended by said society, in such manner as it may deem best calculated to promote and improve the condition of agriculture, horticulture, and the mechanical, manufacturing and household arts in this state, either for the payment of premiums, at the annual cattle shows and fairs of the society, or in the purchase and distribution of choice seeds, cuttings, plants or tubers, which have been tested and found adapted to the soil and climate of this state, or to the prosecution of scientific investigations and experiments, and the collection and diffusion of information tending to develop the natural and agricultural resources of Wisconsin. **Sum appropriated.**

SEC. 2. It shall be the duty of the executive committee, of the said Wisconsin state agricultural society, to keep an accurate account of the manner of expenditure of the said sum of money hereby appropriated, and transmit the same, together with the vouchers therefor, to the governor of this state, in the month of January, in each year, to be by him laid before the legislature. **Duty of executive committee.**

SEC. 3. It shall also be the duty of the said executive committee of the Wisconsin state agricultural society, to collect, arrange, and collate all the information in their power in relation to the nature, origin and preparation of

soils, the cultivation and growth of crops, the breeding and management of stock, the application and character of manures and fertilizers, the introduction of new cereal and other grains, and other agricultural subjects, and report the same together with a statement of their own proceedings to the governor of this state in the month of January in each year, to be by him laid before the legisture.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

Chap. 71. **An Act to provide for the contingent expenses of the office of the Bank Comptroller.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To procure iron safes.

SECTION 1. The Bank Comptroller, is hereby authorizeed to procure one suitable iron safe, to be deposited and kept in the vault of the state treasurer's office, and one suitable iron safe to be kept in his own office, for the safe keeping of the books, papers, and banking securities, belonging to said office; and his accounts for the same shall be audited by the secretary or state, and if allowed by him shall be paid out of the state treasury upon his warrant.

SEC. 2. There is hereby appropriated out of any monies in the treasury not otherwise appropriated by law, to James S. Baker, the present bank comptroller, the sum of three hundred dollars, for procuring books, and forms, and for other expenses incurred in establishing said office.

SEC. 3. This act shall take effect from and after its passage and publication.

Approved, April 2, 1853.

Chap. 72. **An Act to amend Chapter thirty-four of Revised Statutes.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chapter 34 of the revised statutes, is hereby amended so as to read as follows: "Chapter 34, of land and water."

SECTION 1. The river Mississippi, and the navigable waters, leading into the Mississippi and St. Lawrence, and

the carrying places between the same, shall be common highways, and forever free as well to the inhabitants of the state, as to the citizens of the United States, without any tax, impost or duty, therefor: *Provided*, That nothing herein contained, shall prevent the collection of all tolls imposed for necessary easements, constructed in the said navagable waters. Provison.

SEC. 2. All rivers and streams of water in this state in all places where the same have been meandered, and returned as navagable by the surveyors employed by the United States government, are hereby declared navagable to such an extent, that no dam, bridge, or other obstruction, may be made in or over the same, without the permission of the legislatue: *Provided*, That nothing herein contained, shall be construed so as affect to any act now in force granting to towns, or county boards of supervisors, the power to erect, or authorize the construction of bridges across such streams. Navigable streams to be common highways. Provisn.

SEC. 3. The boundaries of lands adjoining waters, and the several and respective rights of individuals, the state, and its citizens, in respect to all such lands and waters, shall be determined in conformity to the common law, so far as applicable as evidenced by judicial determinations in other states, in which the courts in such cases have adhered to its principles: *Provided*, That the provisions of this section shall have no effect in the determination of causes now pending in any of the courts of this state. Boundaries determined by common law. Provisn.

Approved, April 2, 1853.

An Act to repeal Chapter three hundred and forty, and Chapter four hundred and sixty-four of the Session Laws of A. D. 1852. **Chap. 73.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter three hundred and forty, and four hundred and sixty-four, of the session laws of eighteen hundred fifty-two, are hereby repealed, and all acts or parts of acts repealed by either of said chapters, are hereby revived: *Provided*, That nothing herein contained shall have the effect to prohibit the receiving of any scrip, issued in conformity with chapter 340 of the session laws of 1852, in payment for lands belonging to the improvement: *Provided further*, That from and after the passage of this act, the board of public works shall not have the Board of Public Works.

power to authorize the construction of any new work, or the enlargement of any work under any new or old contracts, otherwise than now provided in such contracts as exist, and are in force at this time, [nor] not to authorize any expenditure of money, not essentially necessary to the carrying out of existing contracts, and further, shall not have power to make any new contract, or alter, or change, or renew any old contract relating to the sale or leasing of any water power, now created or which may hereafter be created upon said improvement: *Provided further*, All warrants issued by the board of public works, on account of the Wisconsin river fund, shall draw interest at the same rate as provided for in chapter one hundred and sixty-four of the session laws of 1852: *Provided, furter*, That the repeal of said acts shall not in any wise effect preemption rights, now required, nor the rights of corporate authorities, of town sites, and of the county judge to enter such town sites for the uses and purposes now provided by law.

Proviso.

Approved, April 2, 1853.

Chap. 74. **An Act to pay the Commissioner of the State Prison the sum of money therein named.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation to Commissioner of State prison.

SECTION 1. There is hereby appropriated to the commissioner of the state prison, out of any money in the treasury not otherwise appropriated, the sum of ten thousand dollars, to be drawn by the commissioner in quarterly instalments of twenty-five hundred dollars each; the first instalment to be draw on the sixth day of April inst., for the purpose of defraying the current expenses of the state prison for the year eighteen hundred and fifty-three, and paying a certain account provided for in this act.

SEC. 2. The commissionor is hereby authorized to pay Jenkin Jenkins, eighteen dollars and eighty cents, John P. Gee nine dollars, Taylor and Winkley seven dollars and fifty cents, J. Look one hundred dollars, John Howard fifteen dollars and thirty-eight cents, Jas. K. Smith twenty-five dollars and Charles Youmans fifty-nine dollars; on the payment of said accounts, the commissioner is instructed to take vouchers for the same.

Approved, April 2, 1853.

An Act to amend section five of Chapter eighty-nine of the Revised Statutes. Chap. 75.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of chapter eighty-nine of the revised statutes, is hereby amended by adding thereto, the following proviso: *Provided*, That if the defendant shall, before he pleads to said complaint, make oath that from prejudice or other cause, he believes the justice will not decide impartially in the matter, then said justice shall immediately transmit all the papers in the case, to the nearest justice qualified by law, to try a cause between the state and the defendant who shall proceed to hear, try and determine the same, in the same manner, as it would have been lawful for the justice before whom the warrant was returnable to have done.

Approved, April 2, 1853.

An Act authorizing Railroad Companies to make certain contracts and connections. Chap. 76.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any railroad company in this state shall have full power and authority to make and enter into such contracts with any railroad company which has constructed, or shall hereafter construct any railroad, or railroads, terminating upon the eastern shore of lake Michigan, within the state of Michigan, as will enable said companies to run their roads in connection with each other, in such manner as they shall deem most beneficial to their interest; and such contracts when so made, shall have the same force and effects as they would have in case such power had been conferred by the acts creating such incorporations. Railroad Companies may contract.

SEC. 2. It shall be lawful for such companies to build, construct, and run as a part of their corporate property, such number of steamboats, or vessels as they may deem necessary to facilitate the business operations of such company or companies.

Approved, April 2, 1853.

Chap. 77. **An Act to amend Section one hundred and thirty-six of Chapter ten of the Revised Statutes.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Duties of surveyor.

SECTION 1. Section 136, of chapter 10, of the revised statutes of this state, is hereby amended so as to read as follows: "Whenever a surveyor is required to make a subdivision of a section as established by the United States survey, he shall proceed as follows, except when the section is fractional: commencing at either quarter section corner of the section, he shall run north or south and east or west, across said section, and establish a common centre therefor, which centre shall be the same distance from the north quarter post that it is from the south quarter post, and the same distance from the east quarter post, that it is from the west quarter post; at which point a post shall be firmly fixed and driven into the groundi and if practicable, two bearing trees shall be marked with a suitable instrument, one quarter S. and their course and distance from the said post noted in the plat and field notes: any less subdivision than a quarter section shall be made by proceeding in the same manner, except tn fractional sections, the corners of which shall be established and noted as before provided for; the surveyor denoting the quantity upon the bearing trees as one-eighth, or one-sixteenth, as the case may be.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

Chap. 78. **An Act to amend Chapter sixty-two of the Revised Stautes.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Order for sale of real estate.

SECTION 1. Whenever an order shall be made by the judge of probate for the sale of any real estate for the payment of any valid claim against the deceased, and charges of administration, and such real estate is ordered to be sold, shall be subject to the right of dower in the widow, it shall be lawful for the executor or administrator to make and enter into a contract, in writing with the widow, by which she may agree to accept in lieu of her dower in trust, such a per centage on the amount realized on the sale as shall be deemed upon the

principles of law, applicable to annuities, a reasonable satisfaction for such dower interest, which said contract shall be filed in the office of the judge of probate, together with an affidavit setting forth the age of the widow; and the said contract when acknowledged and assented to by said widow, in open court, before said judge of probate, and approved by such judge, shall operate as a release of dower on the part of the widow, on the said real estate, and the same shall be sold free and clear of all claim of dower: and immediately after the said sale so ordered shall have been made, the executor or administrator shall file with the judge of probate, the receipt of the widow, for the said per centage in lien of her right of dower, or he shall deposit the same right with the judge of probate for her use and benefit, to be paid to her when she endorse a receipt for the same, on the said contract.

Contract to be filed in the probate office.

Approved, April 2, 1853.

An Act concerning Bills of Exchange and Promissory Notes. **Chap. 79.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That whenever any bill of exchange, draft, promissory note, or other negotiable security or paper, shall according to the terms thereof, become due and payab'e on either New-Year's day, Sunday, Christmas, fourth of July, or the day of the year which shall be designated by the governor as a day of thanksgiving, such bill, draft, note or other negotiable security or paper, shall be deemed and considered in law to be due and payable on the day snceeding, unless that day shall be a Sunday, and in that case on the Monday succeeding.

In relation to negotiable paper.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

An Act to amend Chapter forty-one of the Revised Statutes. **Chap. 80.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

That chapter forty-one of the revised statues, be, and the same is hereby amended, by adding to the said chapter as section fifteen as follows, to wit: If the owner

or owners of any addition to any city or town not within the municipal jurisdiction of any such city or town, shall be desirous of altering or vacating the same, or any part thereof, in addition to the notice prescribed in section 13, they shall also give two weeks previous notice in writing, to such town or city of the time and place at which such application shall be made to the court, and upon producing satisfactory evidence to the court that such notices have been given, the court shall proceed to hear and determine such petition, and may alter or vacate such addition or any part thereof, and by decree direct that the title to such portions fo such addition as may be vacated, be vested in the owner or owners of the lots or lands abutting on, or adjoining the portions so vacated, to each, from the line of his or their lot of land to the center of the portion so vacated, in such proportions as may be determined by the court; and that the decree so made, together with a plat if the same shall have been altered, shall be recorded in the office of the register of deeds for the proper county, in the same manner as is provided in the said chapter for recording plats.

Notice to be given.

Decree to be recorded.

Approved, April 2, 1853.

Chap. 81.

An Act to amend Chapter eighty-four, of the Revised Statutes.

R.S.T. p. 19

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all suits in chancery brought to compel a specific performance of the contract, or foreclose any mortgage made by any person or persons who have died, and his, her, or their heirs, or any of them, are unknown to the complainant or complainants, it shall be lawful for him, her, or them, to proceed against such unknown heirs, as against absent defendants, and he, she, or they, may be made defendant or defendants to the bill by the name or description of "The unknown heirs of deceased," filling the blank with the name or names of the deceased person or persons, whose heirs may be proceeded against, and by such name or description, notice shall be given by publication, and any decree made against such unknown heirs, shall be as valid and binding as if his, her, or their respective names had been inserted in the bill and proceeding.

Suits to foreclose mortgage.

SEC. 2. In suits againts non-resident infant defendants, a tice may be given to them by publication, as in case of suits against other non-resident defendants, and after due publication, and proof of such notice, the court may appoint a guardian ad litem, for such infant or infants.

Notice by publication.

Approved, April 2, 1853.

An Act relating the discharge of Joint Debtors.

Chap. 82.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

When defendant discharged.

SECTION 1. In all cases where any defendant shall receive his discharge in writing, from any person competent or authorized to execute the same, from the operation of any judgme t rendered against him and one or more defendants, in any court of record of this state, on presenting the same to the clerk of the court, in which such judgment is docketed, it shall be the duty of the clerk to file the same in his office, with the papers in the case, and to enter or transcribe the same at length in the appearance docket with the other recorded proceedings in the case; and shall also enter the discharge in the margin of the judgment docket, in substance as follows: This judgment discharged, as to (here insert the name of the party discharged): Dated . Such discharge shall specify whether any part of the judgment and what amount thereof, is satisfied by such defendant in consideration of his discharge, and only the balance of the judgment so remaing unsatisfied, shall thereafter be collected in any execution which has been or shall be issued on such judgment.

Clerk to make record.

SEC. 2. When a judgment shall be discharged as provided in the first section, the same shall from thence cease to operate as a lien upon the real estate of the defendant thus discharged, shall forever be inoperative against him, his goods and chattles, lands and tenements; and in case execution shall issue upon such judgment, it shall be the duty of the clerk of the court before delivering the same to the proper officer, to endorse thereupon, the entry made in the margin of the judgment record as provided in the first section.

Approved, April 2, 1853.

Chap. 83. An Act to authorize the Secretary of State to audit certain accounts.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The secretary of state is hereby authorized to audit the accounts of those who translated the bank law, in accordance with the resolution of 1852, and there is hereby appropriated out of any money in the treasury not otherwise appropriated, a sufficient sum to pay for such translation.

Approved, April 2, 1853.

Chap. 84. An Act to provide for levying a State tax.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amount to be levied.

SECTION 1. There shall be levied and collected for the year 1853, in addition to the two-fifths of one mill on the dollar valuation, by law to be collected for the purpose of paying the interest on the state loans, a state tax of five mills and three fifths of one mill, on the dollar valuation, such entire state tax of six mills on the dollar valuation, to be levied, collected, and paid into the state treasury, as is provided by the revised statutes of this state.

How to be levied.

SEC. 2. The supervisors of the respective counties are hereby required to levy the foregoing tax, upon the taxable property in their several counties according to the laws of the state, for the assessment and collection of taxes.

Act to be published.

SEC. 3. The secretary of state is hereby required immediately after the passage of this act, to cause the same to be published by the state printer, in a newspaper printed at the seat of government, and transmit to each clerk of the board of supervisors of the several counties of this state, a copy of the newspaper containing this act.

Approved, April 2, 1853.

Chap. 85. An Act to provide for the Adoption of Children.

2.58, p. 196

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Must petition county judge.

SECTION 1. Any inhabitant of this state may petition the county judge, in the county where he or she may

Not fol, if repealed by 2.58. p. 196

reside, for leave to adopt a child not his or her own by birth.

SEC. 2. If both, or either of the parents of such child shall be living, they, or the survivor of them, as the case may be, shall consent in writing to such adoption; if neither parent be living, such consent may be given by the legal guardian of such child: if there be no legal guardian nor father nor mother, the next of kin of such child within the state, may give such consent, and if their be no such next of kin, the county judge may appoint some discreet and suitable person, to act in the proceedings as the next friend of such child, and give or withhold such consent.

Parents to give consent.

Or next of kin.

Or county judge.

SEC. 3. If the child be of the age of fourteen years or upwards, the adoption shall not be made without his or her consent.

When child may consent.

SEC. 4. No petition by a person having a lawful wife shall be allowed unless such wife shall join therein: and no woman having a lawful husband shall be competent to present and prosecute such petition, unless the husband consent thereto.

Wife of petitioner must give consent.

SEC. 5. If upon such petition, so presented and consented unto, as aforesaid, the county judge shall be satisfied of the identity and relations of the persons, and that of the petitioner, or in case of husband and wife, that the petitioners are of sufficient ability to bring up the child, and furnish suitable nurture and education, having reference to the degree and condition of its parents, and that it is fit and proper that such adoption shall take effect, he shall make a decree setting forth the said facts, and ordering that from and after the date of the decree, such child should be deemed and taken to all legal intents and purposes, the child of the petitioner or petitioners.

Judge to make decree.

SEC. 6. A child so adopted as aforesaid, shall be deemed for the purposes of inheritance and succession by such child, custody of the person, and right of obedience by such parent or parents by adoption, and all other legal consequences and incidents of the natural relation of parents and children, the same to all intents and purposes as if such child had been born in lawful wedlock of such parent or parents by adoption, saving only that such child shall not be deemed capable of taking property expressly limited to the heirs of the body or bodies of such petitioner or petitioners.

Legal consequences and incidents.

SEC. 7. The natural parent or parents of such child,

Parties deprived of all legal rights.

shall be deprived by such decree of adoption, of all legal rights whatsoever as respects such child; and such child shall be freed from all legal obligations of maintenance, and obedience as respects such natural parent or parents.

May take appeal.

SEC. 8. Any petitioner, or any child which is the subject of such petition, by any next friend, may claim and prosecute an appeal to the circuit court, from such decree of the county judge, in like manner and with the like effect, as appeals may now be claimed and prosecuted from order and decree of probate court, saving only that in no case shall any bond be required of, nor any costs awarded against, such child or its next friend so appealing.

Approved, April 2, 1853.

An Act regulating the terms of the County Court of the County of Ozaukee.

Chap. 86.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The terms of the county court, of the county of Ozaukee, shall hereafter be held on the first Monday in January, April, July and October, in each year.

SEC. 2. This act shall take effect from and after its publication.

Approved, April 2, 1853.

Chap. 87.

An Act for the preservation of Fish.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Seine or net not to be used.

Proviso.

SECTION 1. It shall not be be lawful for any person or persons to draw or use any seine or net, in any of the inland lakes situated within the limits of th s state for the purposes of taking or catching fish: *Provided*, Such lake shall contain an area of less than twelve square miles.

Gill net to be used.

SEC. 2. It shall not be lawful for any person or persons, to use or set any gill net, for the purpose of taking or catching fish in any of the inland streams, or watercourses within this state, whereby the free pas-

sage of fish, up or down such stream or watercourse, shall or may be obstructed.

SEC. 3. Any person or persons convicted of fishing with a seine or net, in any of the inland lakes within this state, as described in section one of this act, shall be subject to a fine for each and every such offence, of not more than twenty, nor less than two dollars, to be recovered in an action before any justice of the peace of the county in which the offence may be committed. Penalty for seine.

SEC. 4. Any person or persons convicted of using any gill net, for the purpose of taking or catching fish, as described in section two of this act, shall be subject to a fine for each and every such offence, of not more than five, nor less than one dollar, to be collected as provided in section three of this act. Penalty for gill net.

SEC. 5. It shall be the duty of any justice of the peace residing in the county in which any such offence shall be committed, on the filing in his office a complaint by any person in writing, stating the time when, and the place where, and the name of the person or persons, by whom the offence above described has been committed, together with an affidavit setting forth the facts as alleged, to cause such person or persons to be arrested, and brought before such justice, or some other justice of the same county, and upon conviction, shall fine such person or persons in such amount as he shall deem proper, not inconsistent with sections three, or four of this act, which fine, when collected, said justice shall pay one half to the person making the complaint, the balance to be paid into the county treasury as provided by law: *Provided*, This act shall not be construed to include any Indians, who may reside within the limits of this state. Justices of the Peace may cause arrests. Proviso.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

An Act to amend chapter forty-seven title thirteen of the Revised Statutes, and for other purposes.

Chap. 88.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 5, of chapter 47, of title 13, of the revised statutes, is so amended as to read "Clerk of the Amendment.

board of supervisors," where the words "Clerk of the county" occurs.

Societies to file certificates, &c.

SEC. 2. All religious societies, organized under the provisions of this chapter, that may have filed their certificates of election of trustees, and church or society name, with the clerk of the circuit court, or register of deeds, shall as soon as may be, after the passage of this act, cause such certificate or a transcript thereof to be filed with and recorded by the clerk of the board of supervisors, of the proper county, and upon complying with this act, shall be deemed legally organized.

Clerks to obtain books.

SEC. 3. The several clerks of the board of supervisors in this state, not yet supplied with suitable books for recording the certificates aforesaid, shall immediately procure such books at the expense of the respective counties.

Approved, April 2, 1853.

Chap. 89.

An Act concerning Probate Courts.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Probate courts may renew licenses, heretofore or hereafter granted by such counties, to executors, administrators or guardians, authorizing the sale of lands of any deceased person or ward, and such licenses may be so renewed from time, and for such length of time, as such court shall deem proper.

SEC. 2. This act shall be printed immediately after its passage, and when so printed shall be in force.

Approved, April 2, 1853.

Chap. 90.

An Act in relation to appeals from the decision of Town Superintendents.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appeals.

SECTION 1. That whenever an appeal shall have been made from the decision of any town superintendent to the state superintendent of schools, and the decision appealed from, is reversed, if any money shall have been apportioned and paid to any school district, upon such decision of the town superintendent, previous to the final decision of the state superintendent; and if the state superintendent shall have also decided that such

money be refunded by the school district, in such case the town superintendent, shall certify a notice to the district clerk of the district to which such money has been apportioned, and paid, that the decision of town superintendent has been reversed by the state superintendent, upon such certificate, the board of such district shall proceed to collect the amount, so paid by said superintendent, in the manner as provided by law, for the assessment and collection of school district taxes.

In case of neglect, town superintendent to commence suit against district.

SEC. 2. That if the said district board shall neglect or refuse to collect said amount of money, as provided in section one of this act, for the period of sixty days, after due notice thereof, then and in that case, it shall be the duty of the town superintendent, to commence suit in his name of office, against any such district, to recover any money so due, or any part thereof, from such district.

How apportioned.

SEC. 3. All money or monies which shall come into the hands of any town superintendent, pursuant to the provisions of this act, shall be considered school funds, and shall be apportioned to the several school districts of the town, as provided by law.

SEC. 4. This act shall take effect and be in force from and after the passage thereof.

Approved, April 2, 1853.

An Act to revive Chapter one hundred and five of the session laws of A. D. 1850—Reducing the fees of Town Treasurers in certain case.

Chap. 91.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 105, of the session laws of A. D. 1850, and chapter 388, of the session laws of the year 1851, are hereby revived, and declared to be in full force, and all the provisions of any act conflicting therewith, are hereby repealed.

Approved, April 2, 1853.

An Act in relation to the Assessment and Collection of Taxes, on State, School and University Lands, sold on contract.

Chap. 92.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assessors of each town in this state,

How lands to be assessed.

shall in making out their assessment rolls, for the year 1853, and every year thereafter, enter upon said rolls, in a separate column, under a distinct heading, a list of all state, school, and university lands, in their towns respectively, which shall be held on contract, which lands shall be assessed in the same manner as other lands are now assessed, without regard to any balance of purchase money remaining unpaid on the same: *Provided*, That the secretary of state shall as soon as may be, make out and transmit to the clerk of the board of supervisors, of each county of this state, an abstract containing a correct and full statement and description, of state, school and university lands, held on contract, and upon the receipt thereof, the said clerk shall immediately make out and transmit to the clerk of each town in the county, a list from said abstract, of the lands as held on contract in such town.

Proviso.

Town clerk to make out list.

SEC. 2. The town clerk of each such town, shall include such list under the same heading, in the roll delivered to the town treasurer, who shall collect the taxes, on any such land, in the same manner as he is required by law to collect other taxes, and return a separate list of such land on which the taxes shall not have been paid to the county treasurer, at the time fixed for him to return other lands.

Delinquent taxes to be returned.

SEC. 3. The county treasurer shall not sell any such delinquent lands for such taxes; but if the same should not be paid on of before the first day of December next, following the time when said returns is made, with interest thereon, at the rate of twelve per cent. from the first day of January preceeding said return; the said county treasurer shall immediately forward certified lists of such lands on which the taxes remain unpaid, to the state treasurer, who shall place the amount of such delinquent tax and interest, to the credit of the proper county, and charge the same against the proper description of land, and the same provisions of law that apply to the payment of interest, on any such land, and the forfeiture thereof, for the non payment of such interest, shall apply to the collection of such delinquent taxes, and the school commissioners shall in no case execute the patent for any such land, until all taxes are paid.

SEC. 4. Any law of this State contravening the provisions of this act is hereby repealed.

Approved, April 2, 1853.

An Act to provide for the payment of Mortgages on the Canal Lands, and the discharge thereof. Chap. 93.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Mortgages to be cancelled, on payment of principal.

SECTION 1. Any person or persons indebted to the territory or state of Wisconsin, for or by reason of the purchase of any lands included in the grant of land under an act of congress, entitled "An act to grant a quantity of land to the territory of Wisconsin, for the purpose of aiding in opening a canal, to connect the waters of lake Michigan with those of the Rock river, and who shall have executed a mortgage, upon said land, to secure the payment of the purchase money, or part thereof, or who shall become liable to pay said mortgage, by reason of the purchase or assignment subsequently from the original purchaser, his heirs and assigns, may on or before the first day of January, one thousand eight hundred and fifty-four, pay to the state treasurer, the amount of principal, due upon said mortgage, without interest upon the same, computing the land at the rate of one dollar and twenty five cents per acre, and the state treasurer on receiving said payment, shall execute and deliver to such person or persons a receipt in full therefor, containing the amount of principal by him received, together with date and full description of the mortgage upon which said payment is to apply.

Attorney general to discharge mortgage.

SEC. 2. The attorney general, upon the delivery of the said receipt of the state treasurer, shall forthwith discharge the mortgage, or when he shall have delivered to him satisfactory evidence of said principal having been received by any legally authorized officer, to receipt the same, then, in that case, he is authorized and directed to discharge said mortgage.

Who entitled to benefit of this act.

SEC. 3. Any person or persons holding an undivided or divided portion in any such lands before specified, shall be entitled to all the benefits and provisions of this act, for such portions of land held by him or them.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

An Act to provide for the division and alteration of towns.

Chap. 94. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

What towns subject to division.

SECTION 1. No town in any county in this State, with an area of six miles square, or less, shall be divided, or have any part stricken therefrom, without submitting the question to a vote of the legal voters of the town. Nor unless a majority of all the legal voters residing in such town, shall vote for the same.

Question of division to be mitted to the people.

SEC. 2. When thirty or more freeholders, residents of any town, shall apply to the county Board of Supervisors for a division of such town, the Supervisors at the next annual town meeting, held for the election of town officers, shall submit the question to a vote of the legal voters of such town; the ballots shall contain the words, (written or printed, or partly written or printed) "for division," or the words "against division," and if the majority of votes cast on the subject, be for division, the Supervisors are hereby authorized to divide such town; but if a majority of votes cast on that subject, be against division, the town shall not be divided: *Provided*, That no application shall be acted upon by any Board of Supervisors, as hereinbefore provided, unless it contains the names of at least one-third of the voters of the town proposed to be divided; to be determined by the vote at the last general election in said town.

Proviso.

SEC. 3. All acts or parts of acts, that conflict with the provisions of this act, is hereby repealed.

SEC. 4. This act shall take effect and be in force, from and after its passage.

Approved, June 6, 1853.

An act to amend article four of the Constitution.

Chap. 95. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

How members of assembly chosen.

SECTION 1. Section four of article four of the Constitution, is hereby so amended as to read as follows: The members of assembly shall be chosen biennially by single districts, on Tuesday next succeeding the first Monday of November, by the qualified electors of the several districts; such districts to be bounded by county, precinct,

town or ward lines, to consist of contiguous territory, and to be in as compact a form as practicable.

SEC. 2. The last clause of section five of said article, is hereby so amended as to read as follows: The senate districts shall be numbered in regular series. The senators chosen by the present odd numbered districts, in the year 1854, shall hold their offices until the last day of December, one thousand eight hundred and fifty-six.

Senate districts.

The senators chosen by the present even numbered districts, in the year 1855, shall hold their offices until the last day of December, one thousand eight hundred and fifty eight. Thereafter, senators shall be chosen for the term of four years; but the legislature at any new apportionment, shall so classify the senators to be elected from any additional senate districts which may be formed, that the term of office of all senators elected from even numbered districts, shall expire at the same time, and the term of office of all those elected from odd numbered districts, shall expire at the same time.

SEC. 3. Section 11 is hereby so amended as to read as follows: The legislature shall meet at the seat of government, once in two years, and not oftener, unless convened by the Governor.

Legislature to meet once in two years.

SEC. 4. This act is hereby referred to the legislature to be chosen at the next general election, and shall be published at least three months prior to the said general election, in the manner prescribed by law for the publication of session laws.

Notice to be published.

SEC. 5. The first session of the legislature, after the ratification of this act as provided for in article 12, of the Constitution, shall be held in the year 1855.

Approved, June 6, 1853.

An act to repeal certain acts giving to Corporations or Companies, the right to take, use or occupy, School, University or State Lands, without just compensation therefor. **Chap 96.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All such parts and provisions of any acts or laws of this State, as give to any person, company or corporation, the right to take, use or occupy any school, university or state lands, or any timber gravel or other material thereon, without just compensation therefor, are hereby repealed.

SEC. 2. The commissioners of the school and university lands, shall have power to grant to any railroad company, any land belonging to the people of this State, which may be required for the purposes of their road, on such terms as may be agreed upon by them; and if any land belonging to the State, is required by any company, for the purposes of a railroad, the said commissioners may grant such land to such company, upon such terms and for such compensation as may be agreed upon.

Approved, June 6, 1853.

Chap. 97.

An act to amend section 137 of chapter 10 of the Revised Statutes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and thirty seven, of chapter ten of the Revised Statutes, is hereby so amended as to read as follows:

Every sheriff, clerk of the circuit court, register of deeds, county treasurer and clerk of the board of supervisors, shall keep his office at the seat of justice of his county, and in the office provided by the county, if any such has been provided; and if there be none established, then at such place as shall be fixed by special provision of law; or if there be no such provision, then at such place as the county board of supervisors shall direct; and shall keep the same open during the usual business hours each day, Sundays excepted; and all books and papers, required to be kept in their office, shall be open for the examination of any person, and any person when so examining the same, may take notes from such books, records or papers or take minutes therefrom; and if any of said officers shall neglect or refuse to comply with the provisions of this section, he shall forfeit, for each day he shall so neglect or refuse to comply with the same, the sum of five dollars.

SEC. 2. This act shall take effect and be in full force, from and after publication.

Approved, June 30, 1853.

Chap. 98.

An act to incorporate an association, for the completion of the improvement of the Fox and Wisconsin rivers.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Mason C. Darling, Otto Tank, Morgan L.

Martin, Edgar Conklin, Benjamin F. Moore, Joseph G. Lawton, Urial H. Peak, Theodore Conkey and their associates, formed under the name and style of the "Fox and Wisconsin Improvement Company," by articles of association, dated the first day of June, in the year eighteen hundred and fifty three, and such other persons as may become purchasers of the capital stock of said association, are hereby incorporated upon the conditions and terms, contained in said articles, a copy of which shall be filed in the office of the secretary of state; and the said association shall have all the powers incident to a corporation under the laws of this State. Persons composing association.

SEC. 2. The works of improvement contemplated by the act entitled "an act to provide for the improvement of the Fox and Wisconsin rivers, and connecting the same by a canal," approved August 8, 1848, and by several acts supplemental thereto and amendatory thereof, and known as the "Fox and Wisconsin rivers improvement," together with all and singular the rights of way, dams, locks, canals, water power, and other appurtenances of said works, also all the right possessed by the State, of demanding and receiving tolls and rents for the same, so far as the State possesses or is authorized to grant the same, and all privileges of constructing said works, and repairing the same, and all other rights and privileges belonging to the improvement, to the same extent and in the same manner that the State now hold or may exercise such rights by virtue of the acts above referred to, in this section, are hereby granted and surrendered by the State of Wisconsin, to the said "Fox and Wisconsin improvement company:" *Provided*, That the said improvement shall in all future time, be free for the transportation of the troops of the United States, and their munitions of war, without the payment of any tolls whatever: *And Provided*, That no provision of this act shall be so construed as to allow, permit or authorize the charge or collection of any tolls or transit duties, for the passage of any vessel, goods, merchandize or property of any kind, along or over the main channel of said rivers: *And also Provided*, The said company shall charge no higher rate of tolls than was established by the board of public works for the year eighteen hundred and fifty one and two, which rates of toll shall be uniform at each lock, and to all persons and boats passing along or through the same: *And further provided*, That each of the members of Rights and privileges. Proviso. Proviso. Proviso. Proviso.

said company, within thirty days from the passage of this act, shall file with the secretary of state, a bond or bonds in the sum of twenty five thousand dollars, payable to the State of Wisconsin, and shall justify on oath before a judge of the circuit court, that they are worth in unincumbered estate or property the amount of the penalty therein, and conditioned that the said company shall vigorously prosecute the said improvement to completion, and complete the same within three years from the passage of this act, on the line located by the board of public works and as contemplated in the report of the board of public works, and estimated by the chief engineer on the first day of January, 1853, in a substantial and durable manner and so as to enable boats with a draft of two feet and breadth of thirty feet, during ordinary stages of low water, to pass with facility from Green Bay into the Wisconsin river; shall pay the contractors on said improvement, the estimates which shall from time to time become due upon their contract; shall pay said contractors any damages awarded or that may hereafter be awarded them by decree or judgment of any court of this State or of the United States; and shall pay all outstanding evidences of indebtedness on the part of the State as trustee or otherwise issued on account of the said improvement, as the same shall become due, or if now due, within ninety days after demand made upon said company, and further conditioned to save harmless, the state of Wisconsin, from any and all liabilities in anywise arising or growing out of the said improvement, or any contract, agreement, law or laws in relation thereto: *And provided further*, That no part of the improvement, rights, property or lands mentioned in this act, shall pass into the possession of such company; nor shall such company acquire any title thereto, or exercise any right or control over the same, until such company shall first procure from White, Resley and Arndt, Morgan L. Martin, Wm. A. Barstow, William McNaughton and company, and Curtis Reed, the several contractors on the Fox and Wisconsin rivers improvement, releases of all claims and demands which such contractors, or either of them may have, or claim to have, against the State, either for work performed under their respective contracts, or for damages by reason of any nonfulfillment of such contract or contracts, by the State, to be executed in due form of law, and file the same in the office of the secretary of state. Nothing in

Proviso.

this act shall be so construed as to give the company hereby created, the right to collect or receive any other or more revenue from the use of said improvement, than this State would be entitled to collect or receive if the State should complete said improvement, by the expenditure of the grant of land or in any other way.

All property to be delivered to association.

SEC. 3. As soon as the bond or bonds, and releases referred to in the second section of this act, be filed with the secretary of state, the said company are hereby authorized to take possession of said improvement, appurtenances, property and assets hereby surrendered and granted unto them, and to proceed to complete the same; and it shall be the duty of the officers and agents, having charge of said improvement, to deliver to said association, all the property, surveys, maps, plats, profiles and estimates, belonging to said improvement; an acknowledgement of the receipts of which, shall be signed by the officers of said company and filed in the office of the secretary of state.

Lands granted

SEC. 4. The lands granted by Congress in aid of said improvement, and remaining unsold, shall be, and are hereby granted to the Fox and Wisconsin improvement company, upon the following terms and conditions, to wit: Whenever the said company shall deposite with the state treasurer, any amount of the outstanding evidences of indebtedness against said improvement funds, or shall transfer and deliver to him any amout of the stock of the United States, or of any state, at its value in the New York market, the said company may select so much of said lands as shall be equal in amount at one dollar and twenty five cents per acre, to the indebtedness so surrendered, or the value of the stock so transferred; and a discriptive list of the lands so selected, being filed in the office of the secretary of state, the lands shall thereupon be and become the property of said company, without any other or further act to be done or performed on the part of the State. And whenever all the evidences of indebtedness shall be paid and surrendered by the company, all the remaining lands, embraced in the grant made by Congress, and not previously conveyed to them, and the stocks that may have been transferred as aforesaid, shall be and become absolutely the property of said company; and all the lands so conveyed, shall be exempt from taxation of every description, by and under any law of this State, until after the same shall have been sold

Lands exempt from taxation.

and conveyed, or contracted to be sold, or leased, or improved by said company: *Provided*, Said exemption do not continue longer than ten years. And the lands selected by and conveyed to the company as aforesaid, shall be in such quantities and under such conditions, as specified in the proviso to the second section of the act of Congress, entitled "an act to grant a certain quantity of land to aid in the improvement of the Fox and Wisconsin rivers, and to connect the same by a canal, in the Territory of Wisconsin," approved August 8th, 1848: *Provided*, That any person who may have acquired the right of preemption under the laws of the State, or the United States, to any portion of said lands, or has settled thereon in his own right, prior to the passage of this act, shall be entitled to purchase the same of said company, at the minimum price of one dollar and twenty five cents per acre, at any time within three months after said lands shall be selected by the company, and notice of said selection published in a newspaper, printed at the seat of government of the State; and in all cases of contested claims to such right of pre emption, the judge of the county court is hereby authorized and empowered, either in term time or vacation, to take proofs and hear, try and determine such right, in the same manner as the register of the state land office is now authorized to do by law; and subject to an appeal to the circuit court, as now provided by law for appeals from said register. And it shall be the duty of the Governor, to take every necessary means to obtain, at as early a day as possible, the lands heretofore selected, and such as may hereafter be located by the company for the balance of the grant in aid of said improvement.

Proviso.

How damages to be paid.

SEC. 5. In all proceeding against the State for damages, or other claims on account of said improvement, the award or decree of which, by the terms of this act, would have to be paid by the Fox and Wisconsin improvement company hereby incorporated; the said company shall be made a party to said suit, and shall have all the rights and privileges of a defendant therein: *Provided, expressly*, That nothing contained in this act shall be construed as an admission of any indebtedness or liability on the part of or against this State, growing out of or connected with any contract heretofore made for the construction or repair of any of the works of improvement on the Fox and Wisconsin rivers.

Proviso.

SEC. 6. This act shall be a public act, and shall be

liberally construed in all courts of jurisdiction, and the State solemnly pledges its faith to confer by future legislation, all such powers as may be found necessary to enable the said corporation to carry into full effect, the fair andobvious intent and meaning of this act.

SEC. 7. This act shall take effect from and after the full organization of said association, and the giving and filing of the bonds herein before mentioned, and thereafter all acts and parts of acts, contravening the provisions of this act, shall cease to be in force: *And provided*, That after this act takes effect as above, the board of public works shall continue to exercise the duties required by law, for the period of thirty days, so far only as to audit and allow all claims and demands for work done and services performed, by direction and employment of said board; and the claims so allowed shall constitute a portion of the debts and liabilities, to be paid and discharged by the said company, according to the provisions of this act, and the obligations of their said bonds. And the said company shall pay to each of the members of said board, the compensation now allowed by law, for the time they may be engaged in auditing and allowing said claims. After the expiration of said thirty days, the duties of said board shall cease, and no compensation whatever, shall be allowed for any services claimed to have been rendered thereafter. And after the property, surveys, plats, maps, profiles and estimates, belonging to said improvement, are delivered to said company, and a receipt therefor is given and filed, as provided in the third section of this act, the duties of the register and receiver of the state land office, shall cease in like manner.

When to take effect.

Proviso.

SEC. 8. The State may become the owner and proprietor of the works of improvement, constructed under this act, and of the whole works of improvement, at any time after twenty years, upon paying to said association or their assigns, the actual costs expended by said association in the construction of said improvement, over and above the avails of the grant of land made by Congress, and applied or received by said company, to aid in said improvement; the said lands to be estimated at the rate of one dollar and twenty five cents per acre.

State may become owner.

SEC. 9. That the grant made in this act to said company, is expressly intended to aid them in the construction and completion of the said Fox and Wisconsin rivers

improvement; therefore, until the said improvement is completed as contemplated in this act, no part of said grant shall be diverted to any other object.

Approved, July 6, 1853.

Chap. 99. **An act to amend an act entitled "an act to divide St. Croix county, and create the county of Pierce and Polk."**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That section five, (5) of an act entitled an act to divide Saint Croix county, and create the counties of Pierce and Polk, approved March 14th, A. D. 1853, is hereby so amended as to read as follows: That the seat of justice of the said county of St. Croix, shall be and remain at its present location in the village of Hudson, and the seat of justice in the county of Pierce, shall be located at the village of Prescott; and the seat of justice for the county of Polk, shall be located at the village of St. Croix Falls: *Provided*, That said counties of Pierce and Polk, may at the next general election, to be held in November, A. D. 1853, alter location by a majority of all the legal voters of said counties, at such election.

Approved, July 6, 1853.

Chap. 100 **An act to divide the county of Jackson, and create the counties of Buffalo and Clarke.**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Boundaries. SECTION 1. All that portion of the county of Jackson lying west of the range line, between ranges seven and eight, (7 and 8) west of the fourth principal meridian, be and the same hereby is organized into a separate county, to be called and known by the name of "Buffalo;" and all that portion of the said county of Jackson lying north of the township line between township twenty two and twenty three, (22 and 23) and east of the range line between ranges three and four, (3 and 4) west of the said fourth principal meridian, be and the same hereby is organized into a separate county, to be called and known by the name of "Clarke."

Organization. SEC. 2. On the first Monday in September next, the electors of the said counties of "Buffalo" and "Clarke,"

shall each elect a county judge, and the said counties from and after the first day of January, 1854, shall be organized for judicial purposes.

SEC. 3. The electors in the said counties of Buffalo and Clarke, shall at the general election in November next, elect all county officers necessary for a complete county organization in each county, and it shall be the duty of the county treasurers, and clerk of the board of supervisors thus elected in each of said counties, at least four weeks previous to the spring election in 1854, to divide their respective counties up into as many towns as they shall deem expedient for the convenience of the inhabitants; and until the said division be made the county of Buffalo shall remain as one town, and the county of Clarke shall also remain as one town. **Election of county officers.**

SEC. 4. The polls necessary to be opened for the elections provided for in this act, shall be opened in Buffalo county at Holmes' Landing, and in Clarke county at O'Neil's Mill; and the returns of said election shall be left with the inspectors of said elections, and the said inspectors shall, within ten days from the holding of any election, issue certificates of election to the persons elected to the respective offices. **Elections held.**

SEC. 5. The county seat for the county of Buffalo, is hereby located on section one (1) in township number nineteen (19) north, range number twelve (12), west of the fourth principal meridian. **County seat of Buffalo county**

SEC. 6. The county seat for the county of Clarke is hereby located on section two, (2) township twenty four, (24) range (2), west of the fourth principal meridian. **County seat of Clarke county**

SEC. 7. The circuit court shall be held in the said counties of Buffalo and Clarke, at such times as shall be appointed by the circuit judge. **Courts.**

Approved, July 6, 1853.

An act to submit to the people, the question of a Prohibitory Liquor Law. **Chap. 101**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. At the general election to be held on the Tuesday next succeeding the first Monday in November, A.D., 1853, at the usual places of holding elections in this State, for the election of all officers required by law then to be elected, it shall be lawful for the qualified electors

of this State, to vote for or against a prohibitory liquor law; such vote shall be by ballot, written or printed or partly written and partly printed, and shall contain the words, "prohibitory liquor law, no," or "prohibitory liquor law, yes," and the ballot so cast, shall be canvassed and returned in the same manner as the votes cast for state officers are required by law to be canvassed and returned, and the secretary of state shall immediately, on the completion of said canvass, publish a statement of the result thereof in some newspaper printed at the seat of government, and shall communicate the same to the next legislature at the commencement of its next session.

Duty of inspectors.

SEC. 2. It shall be the duty of inspectors of elections at the several election polls of this State, to provide separate boxes in which to deposite the ballots herein provided to be cast.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, July 6, 1853.

Chap. 102

An act to change the place of holding courts in the county of Brown, and for other purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That an act entitled "an act to change the place for holding courts in the conuty of Brown," approved January 13th, 1840, also an act entitled "an act to change the place of holding courts in said county of Brown," approved February 10, 1847, are hereby repealed.

SEC. 2. That all writs, process and proceedings of said courts shall hereafter be made returnable at Depere, and be as valid as if the said courts were held at Green Bay.

SEC. 3. This act shall take effect from and after its passage.

Approved, July 11, 1843.

Chap. 103

An act to provide for the punisment of murder in the first degree, and to abolish the penalty of death.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all convictions under the statutes of this

State, for the crime of murder in the first degree, the penalty shall be imprisonment in the state prison, during the life of the person so convicted; and the punishment of death, for such offence, is hereby abolished.

SEC. 2. All acts and parts of acts, contravening the provisions of this act, are hereby repealed.

Approved, July 12, 1853.

An act to authorize the Secretary of State to audit certain accounts.

Chap. 104

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all cases in which any law, or notice, has been or shall be published in a newspaper of this State, by virtue of any provision of law, authorizing any state officer to direct such publication at the expense of the State, it shall be the duty of the secretary of state to audit the account for such publication, and to draw an order upon the state treasurer therefor, specifying the account upon which such order is drawn, and the treasurer shall pay the same, in like manner as other appropriations are paid.

SEC. 2. When no other provision has been or shall be made, as to the compensation therefor, it shall be the same as is by law established for the publication of legal advertisements.

SEC. 3. This act shall take effect immediately.

Approved, July 12, 1853.

An act to amend an act providing for the organization of a separate Supreme Court.

Chap. 105

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That section four of chapter three hundred and ninety five, of session laws of 1852, be and the same is hereby so amended, that two of the justices of said court, shall constitute a quorum for the hearing and deciding of all causes, suits and proceedings at law or in equity, and transacting business in said court: *Provided, however*, In any suit or proceeding in which had of said question have acted as counsel or are otherwise disqualified, the same shall be heard and decided by the question has so disqualified.

SEC. 2. This act shall be in force from and after its passage.

Approved, July 12, 1853.

Chap. 106

An act concerning a writ of attachment.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Claims against foreign incorporations may be enforced.

SECTION 1. Any person or persons, body or bodies corporate, having any debt, claim or demand not sounding in tort, against any foreign, once existing corporation, but which has ceased to exist or act as a body corporate, from any cause whatever, such person or persons, body or bodies, may enforce satisfaction of such debt, claim or demand, out of any moneys, credits, effects, or of property lying or being in this State, whether real or personal, or mixed, in case such moneys, credits, effects or property, would belong to such corporation, had the same not ceased to exist, or act as a body corporate, whether managed, controlled or held at the disposal of a trustee or trustees, assignee or assignees, agent or agents of or for such corporation or the creditors thereof, in whole or in part, and whether resident within or without this State, and created, constituted or appointed by such corporation or pursuant to any law of the United States, of this or any other state or country.

How to proceed &c.

SEC. 2. The owner or owners of such debt, claim or demand as aforesaid, may institute a suit for the recovery and enforcement of satisfaction thereof, by suing out of any circuit court of this State, a writ of attachment.

Which writ shall command the sheriff of the county in which the same issued, to attach the moneys, credits, effects and property, lying or being within this State, which would belong to the corporation named therein, had said corporation not ceased to exist, or act as a body corporate, however managed, controlled or held, or so much thereof as will be sufficient to satisfy the demand of the plaintiff, and the costs and charges incident to said suit; and to summon (naming the corporation) to appear and answer the plaintiffs in a plea of trespass on the case, which shall be done by leaving a copy of said writ with any person or persons so managing, controlling or holding the whole or any part of the property subject to said writ, if to be found in this State; any such person receiv-

ing a copy of said writ, shall to the action for the defendant (nominally the corporation by name) in his judiciary capacity.

SEC. 3. The writs to be issued under this act shall conform as near as may be to ordinary writs of attachment, except so far as is otherwise in this act provided.

SEC. 4. From the issuing of the writ to final judgment, and satisfaction, all the provisions of law shall apply to suits commenced under this act, so far as the sum may be consistent therewith and no further.

SEC. 5. This act shall be printed immediately after the passage thereof, and when so printed shall take effect and be in force.

Approved, July 12, 1853.

An act to provide for the appraisal of the Capitol Lands. **Chap. 107**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A. P. Clement, W. H. Gleason and R. F. Wilson, are hereby appointed commissioners to appraise the capitol lands, and shall proceed in the same manner in the discharge of their duties, as is prescribed in sections three, four and five, of chapter one hundred and twenty four of the session laws of eighteen hundred and fifty two; and the said appraisers shall be paid as provided for in section six of the aforesaid chapter, out of the respective funds to which said lands belong.

Approved, July 13, 1853.

An Act to establish the compensation of the Seargeant-at-arms of both Houses of the Legislature, and the persons employed in their departments. **Chap. 108**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sergeant-at-arms of the senate and the sergeant-at-arms of the assembly, shall each be entitled to receive three dollars for every days attendance during the session of the legislature.

SEC. 2. The sergeant-at-arms of each house, shall each appoint one assistant, who shall be entitled to receive two dollars and fifty cents, for each days attendance during the session of the legislature.

SEC. 3. The presiding officer of each house of the legislature, shall each appoint two messengers, who shall each be entitled to receive one dollar and fifty cents, for every days attendance during the session.

SEC. 4. All the foregoing persons shall perform such services as may be required by the respective houses of the legislature to which they belong.

SEC. 5. A sum sufficient is hereby annually appropriated, to be paid out of the state treasury, upon the certificate of the presiding officer of the house to which the person entitled to it belongs.

SEC. 6. This act shall take effect and be in force from and after the first Monday of January, A. D., 1854.

Approved, July 13, 1853.

Chap. 109

An Act authorizing certain [persons] elected to the office of Justice of the Peace, to qualify and take the oath of office.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

May take oath of office.

SECTION 1. In all cases where any persons has been or shall be duly and properly elected to the office of justice of the peace, but has failed to qualify by taking the oath of office and giving the security as provided, by and within the time prescribed by law, on account of necessary absence from the county wherein he was so elected, or on account of his being sick, the person so elected may qualify as such justice of the peace, at any time within six months from the time of his being so elected; in case the vacancy occasioned by a failure to qualify within the time by law prescribed therefor as aforesaid, shall not have been within such six months filled as by law provided, and that such persons shall in addition to the other requirements, at the time of his so taking the oath of office, take and subscribe an oath that he did not qualify within the time by law prescribed, for the reason that he was sick or absent from the said county, as herein before provided.

May enter upon his duties.

SEC. 2. The person who shall qualify as herein before provided, may thereupon enter upon the duties and exercise the functions of the office of justice of the peace, during the term for which he was elected, with the like force and effect as he might or could have done had he qualified as provided by law, had this act not been passed.

SEC. 3. This act shall take effect and be in force, from and after its passage.

Approved, July 13, 1853.

An Act establishing the salaries of the Chief Clerks of the Senate and Assembly. **Chap. 110**

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be allowed to the chief clerk of the senate and assembly each, an annual salary of one thousand five hundred dollars, to be paid to each of the said officers, in lieu of all compensation and perquisites, and each clerk from his salary, shall provide his own assistants and clerks, and perform all the duties usually required of all the clerks of both houses of the legislature, without any further compensation or allowance to any other person or clerk whatever. **Salary.**

SEC. 2. The sum of one hundred dollars shall annually be allowed to each clerk, for preparing indexes and superintending the publication of the journals and documents of the two houses, to be paid when such work is performed and approved of by the secretary of state. **Indexing.**

SEC. 3. Each of the said chief clerks shall, before entering upon the duties of his office, execute a bond running to the treasurer of the state of Wisconsin, in the penal sum of ten thousand dollars, with two sureties, who shall severally justify that they are worth the said sum of five thousand dollars, over and above all debts and liabilities; said bond shall be approved by the presiding officer of the senate or assembly, as the case may be, and filed in the office of the secretary of state. The conditions of such bond shall be, that the said chief clerk shall faithfully and honestly perform all the duties required by this act or any other law of this State, relating to said office, promptly and without fraud or delay. **Clerks to give bonds.**

SEC. 4. The salaries of the said chief clerks, shall be paid at such times and in such portions during the session, as the respective houses may direct, a resolution of which signed by the president of the senate or speaker of the assembly, as the case may be, shall be a sufficient voucher for the state treasurer to pay the same. **How salaries paid.**

SEC. 5. The sum of three thousand and two hundred dollars, is hereby annually appropriated, to meet the ob-

jects of this act, and the same to be paid out of the state treasury, in the manner herein before provided for, without any further legislation.

SEC. 6. This act shall take effect and be in force, from and after the second Wednesday in January next.

Approved, July 13, 1853.

Chap. 111

An Act relative to voluntary assignments of choses in action.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the assignee or assignees for a valuable consideration of any bond, note, or other chose in action if the assignor be dead, and there be no executor or administrators, appointed upon his or their estate, or if such executors or administrators have no interest in the things so assigned, or shall refuse to prosecute for the same, may sue and recover in his, her, or their own name or names, upon such bonds, notes and choses in action; and the defendants in all such suits, until due notice of such assignment shall have been given, may set up and avail himself of any defence he may have in any such action, in the same manner and with the like effect, as if the assignor had been living and the action had been prosecuted in his name.

Approved, July 13, 1853.

Chap. 112

An Act to authorize certain towns to aid in the construction of Rail Roads passing through them.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Supervisors may issue bonds.

SECTION 1. The respective boards of supervisors of the towns of Bloomfield, Geneva, Elkhorn, Sugar Creek and Whitewater, in the county of Walworth; and of Jefferson, Koshkonong and B(C)old Spring, in the county of Jefferson, are hereby authorized on the conditions, and for the purposes hereinafter-mentioned, to issue the bonds of their respective towns, for any sum of money not exceeding in the aggregate, the amount in each case hereinafter specified, to wit: Bloomfield, twenty five thousand dollars, Geneva, fifty thousand dollars, Elkhorn, twenty thousand dollars, Sugar Creek, thirty thousand dollars, White

water, forty thousand dollars, B(C)old Spring, twenty thousand dollars, Jefferson, forty thousand dollars, the town of Koshkonong, sixty thousand dollars.

SEC. 2. Such bonds shall be signed by the chairman of supervisors, and countersigned by the town clerk; shall be of the denomination of five hundred dollars, or of one thousand dollars each; shall be payable at such place as the board of supervisors issuing them, may deem advisable, and shall be payable at a time specified therein, not exceeding twenty years from the date, with interest payable annually or semi-annually, at not exceeding eight per cent per annum.

Bonds how payable.

SEC. 3. Such bonds may, according to the purpose for which their issue is authorized, be delivered in payment at the value expressed on their face, for shares of stock to be subscribed by the supervisors, for the benefit of the town, in the capital stock of any rail road company authorized to construct a rail road through such towns, or may be loaned to such company to be used in aid of the construction of such road.

Bonds may be given in payment for stock.

SEC. 4. No such bonds shall be issued, until a majority of the legal voters of the town, voting upon the question, shall have voted in favor of such issue. The election for that purpose, may be called by the supervisors of the town, or be ordered to be held on the day of the annual townmeeting; but in either case, notice of the election shall be posted up in five public places in the town, and be published in a newspaper, printed in the county, for thirty days preceding such election. The notice shall specify the amount of the bonds proposed to be issued, the length of time they are to run, the rate of interest they shall bear, the rail road for which they are to be issued, and whether they are to be delivered in payment of subscription for shares of stock for the town, or to be loaned in aid of the construction of the road. At such election, those voting in favor of the proposition, shall deposite a ballot containing the words, "for the rail road," and those voting against it, shall deposite a ballot containing the words, "against the rail road." The election shall be conducted, and the votes shall be canvassed and certified in the same manner as the votes given at the annual town meeting.

Electors shall vote on the question of issuing such bonds.

SEC. 5. Before the supervisors shall issue and deliver any such bonds for either of the aforesaid purposes, the rail road company shall give security to the satisfaction of

Railroad company shall give security.

the supervisors, that the money arising from the sale of the bonds, shall be faithfully applied to the construction of such portion of the rail road as they may designate, most advantageous to their town, and that the rail road shall be completed to such point and within such time as they may deem it safe and expedient to require. And before any bonds shall be loaned to aid in the construction of any rail road, the rail road company shall in addition, execute to the town the bonds of such company, corresponding in amount, in the time when and place where payable, in the rate of interest, and in other respects with the bonds issued by the town, and shall execute to the treasurer of the town, for the benefit of the town, a mortgage to secure the payment of such bonds, upon such portion of their rail road as the supervisors may require, not less in length than one mile for each five thousand dollars of bonds so secured and conditioned, that the rail road company will pay the principal and interest as the same becomes due of the bonds so executed to the town. But the payment by such company of the principal or interest of any of the bonds so issued by the town to the holders thereof shall be deemed to be, and shall apply as payment of an equivalent amount of the bonds of such company so executed to the town or of the interest thereon. The said mortgage shall include and be a lien upon the rail road, the right of way, the fixtures and all the privileges and appurtenances belonging to it, whether already acquired or constructed at the time of the execution of such mortgage or thereafter to be acquired or constructed; but it shall only be an equal and concurrent lien, to be satisfied proportionately with any other mortgage upon such rail road for not exceeding ten thousand dollars per mile, which such company may execute whether such other mortgage shall be executed prior or subsequently to the mortgage so given to the town, such bonds and mortgage so executed to the town, shall be deposited with the town treasurer. The supervisors may order the treasurer to deliver up the said bonds or any portion of them on the surrender and cancelling of an equivalent portion of the bonds of the town so loaned.

Bonds pledged for payment of principal and interest.

SEC. 6. The shares of stock in such rail road company thus taken by any town, and all dividends arising therefrom, are hereby and shall remain irrevocably pledged for the payment of the principal and interest of the bonds delivered therefor; but the supervisors may sell the same,

if authorized so to do, by a vote of an annual town meeting of their town, and there fter the proceeds of such sale and the interest thereof, shall be and remain irrevocably pledged to pay the principal and interest of such bonds. The supervisors shall annually or whenever it may become necessary, levy a tax upon the taxable property of the town, sufficient to pay the interest upon such bonds, after deducting the dividends due to their town, on its shares of stock.

Shares of said stock not to be affected by any lien.

SEC. 7. The shares of stock so subscribed for, and held by any such town, shall not be in any manner affected by any mortgage, lien or incumbrance given or obtained upon such rail road, and in case such rail road shall be sold or in any manner disposed of, to satisfy any such mortgage or lien, such shares of stock held by such town, shall still remain valid and unaffected, and the town shall be entitled to draw the same dividends upon such shares in whosever hands or control such rail road may be, as if no such sale or disposition had been made.

One commissioner to be appointed.

SEC. 8. The board of supervisors of each town, holding any shares of stock, shall annually, or as often as a vacancy occurs, appoint one rail road commissioner, who shall attend the annual or special meetings of the stock holders of said rail road company, and shall be entitled to cast one vote for every share of stock so held by the town, in the election of officers and all questions.

SEC. 9. This act shall be published in the Walworth County Reporter, and with the laws of a general nature, and shall thereafter be in force.

H. L. PALMER,
Speaker of the Assembly.
DUNCAN C. REED,
President pro tem. of the Senate.

Approved, July 13, 1853.
LEONARD J. FARWELL.

JOINT RESOLUTIONS.

Joint Resolutions concerning the Menominee Tribe of Indians.

Chap. 1.

Resolved by the Senate and Assembly of the State of Wisconsin, That the assent of the State of Wisconsin is hereby given to the Menominee nation of Indians to remain on the tract of land set apart for them by the President of the United States on the Wolf and Oconto rivers, and upon which they now reside, the same being within the State of Wisconsin aforesaid, and described as follows, to wit: commencing at the south-east corner of town twenty-eight north, range nineteen, running thence west thirty miles, thence north eighteen miles, thence east thirty miles, thence south eighteen miles, to the place of beginning.

Approved, February 1, 1853.

Joint Resolution relative to the Homestead Bill.

Chap. 2.

Whereas, the prosperity and well being of our State, depend upon the industry, enterprise and intelligence of its inhabitants, whether engaged in commercial, mechanical or agricultural pursuits; and whereas the rapid settlement of our government lands, and the consequent cultivation of the soil, would add to the wealth, happiness and social elevation of our people, to accomplish which purpose, it is highly desirable that every honorable inducement should be held out for the encouragement of emigration to our young and growing State; and believing that this object would be more fully secured by the passage of a law embodying the provisions of the homestead bill, which passed the House of Representatives at its last session, therefore,

Resolved, by the senate, the assembly concurring, that our Senators in Congress, are hereby requested to use all necessary exertions to secure the passage of the Homestead Bill, during the present sitting of that body.

Resolved, that his Excellency the Governor, is hereby

requested to furnish copies of the foregoing resolution, to each of our Senators in Congress.

Approved, February 5, 1853.

A Joint Resolution for the Relief of the Persons therein named.

Chap. 3.

Whereas, the following persons, to wit: Captain John McManman, John White, Andrew McCormack, Patrick Toland, Julius White, James B. Cross, did on the fifth day of February, 1849, execute unto the State of Wisconsin a bond in the penal sum of fifteen hundred dollars, for the safe keeping of arms and military equipments delivered to Captain John McManman, for the use of the Milwaukee City Guards.

And whereas, said arms and equipments, together with the clothing, furniture and fixtures of said company, have been destroyed by fire. Therefore,

Resolved, by the senate and assembly of the State of Wisconsin, That his Excellency the Governor be, and he is hereby authorized to cancel said bond.

Approved, February 18th, 1853.

Joint Resolution to authorize the Commissioners of School and University Lands, to sub-divide School Lot No. 29, in section 16, town of Fond du Lac, and to give separate Contracts for the same.

Chap. 4.

Resolved by the Senate and Assembly of the State of Wisconsin, That the commissioners of the School and University lands be, and they are hereby authorized and required, to grant a separate certificate contract of the north-east quarter of lot No. 29, section 16, town 15, range 17, in the county of Fond du Lac, to the Sylvan Grove Cemetery Association, said association producing satisfactory evidence of their right to the same from the original purchaser, or his assignees, for such sum as shall be equal to one fourth of the amount now due upon certificate contract No. 114, given for the sale of said lot, together with interest as required by law.

Approved, March 19, 1853.

Joint Resolution in relation to the Stockbridge tribe of Indians.

Chap. 5.

Resolved by the Senate and Assembly, That the State of Wisconsin hereby assents to any permission which may be

granted by the Government of the United States to the Stockbridge tribe of Indians, to remain on the lands heretofore ceded to the said United States, by said tribe, lying in the State of Wisconsin, until by treaty stipulations, the United States assign a new home to the tribe.

Approved, April 1, 1853.

Chap. 6. **Joint Resolution requiring the Commissioner of the State Prison to proceed in the erection of the Wing for the New Prison at Waupun, and to employ and use the labor of the Convicts for that purpose.**

Resolved, by the Senate, the Assembly concurring, That the State Prison Commissioner be, and is hereby required and authorized to proceed in the erection of the wing of the new prison to be built at Waupun. And, for this purpose, said commissioner is hereby authorized and required to employ the convicts in constructing and erecting said building.

The said commissioner is hereby also required to adopt, as the plan for said prison building, the design and plan of the Albany Penitentiary, in the State of New York, as recommended by Henry Brown, late State Prison Commissioner of this State. *Provided*, That no debt or demand against the State shall accrue in virtue of this resolution.

H. L. PALMER,
Speaker of the Assembly.
DUNCAN C. REED,
President pro. tem. of the Senate.

Approved, April 2, 1853.
LEONARD J. FARWELL.

MEMORIALS.

Memorial to Congress for a Mail Route.

Chap. 1.

To the Hon. the Senate and House of Representatives of the United States of America:

The Memorial of the Senate and Assembly of the State of Wisconsin, respectfully represents:

That the interest and convenience of a large portion of the citizens of Dane and Rock counties, would be greatly promoted by the establishing of a tri-weekly mail route from Madison, in Dane county, by way of Stoughton, to Milton, in Rock county, a distance of thirty-five miles.

Your memorialists, therefore, ask that said mail route may be established at the earliest practicable period.

Approved, February 7, 1853.

Memorial to the Post Office Department, relative to increase of Mail service, on Mail Route, No. 4575.

Chap. 2.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the service on mail route, No. 4575, known as the Beloit and Mineral Point mail route, is limited to once each week; that the rapid settlement of that section of our State renders it a matter of importance, that service on said route should be increased to three times each week; and your memorialists would, therefore, respectfully ask, that said service be so increased.

Approved, February 4, 1853.

Memorial to Congress for a Mail Route.

Chap. 3.

To the Hon. the Senate and House of Representatives of the United States in Congress assembled:

The Memorial of the Legislature of the State of Wisconsin, respectfully represents:

That the interest and convenience of a large number of the citizens of the counties of Walworth, Waukesha and Jefferson, would be greatly enhanced by the establishment of a tri-weekly mail route from Elk Horn, (the county seat of Walworth county,) *via* Palmyra to Jefferson, (the county seat of Jefferson county,) a distance of about forty miles.

Your memorialists would represent, that the establishment of said mail route would be of the greatest importance to the people residing in that portion of the state, most of whom are now nearly destitute of mail facilities, or supplied in a very imperfect manner, having no direct communication with any of the large daily mail routes in the state.

Your memorialists would, therefore, respectfully ask that the aforesaid mail route may be established at the earliest practicable period.

Approved, February 11, 1853.

Memorial to the Post Master General for increase of service, on Mail Route, No. 4616.

Chap. 4.

To the Honorable the Post Master General of the United States:

The Memorial of the Legislature of the State of Wisconsin respectfully represent:

That the interest and convenience of a large number of the citizens of the Counties of Sheboygan, Calumet and Winnebago would be greatly enhanced by the establishment of a tri-weekly mail, on mail route, No. 4616, between Menasha and Sheboygan.

Your memorialists would represent that an increase of service, on said mail route, would be of the greatest importance to the inhabitants residing in that portion of the State—the present weekly mail being entirely inadequate to the wants and convenience of that community.

Your memorialists, therefore, respectfully ask, that the aforesaid increase of service may be established, at the earliest practicable period.

Approved, February 16, 1853.

Memorial to the Post Master General for increase of Mail Service on Route No. 4565. Chap. 5.

To the Hon. the Post Master General of the United States:

The Memorial of the Legislature of the State of Wisconsin, respectfully represents:

That during the season when navigation is closed on the Upper Mississippi river, the entire mail for the territory of Minnesota, North-western Wisconsin, a large portion of Northern Iowa, passes over mail route No. 4565, from Platteville to Prairie du Chien, in Wisconsin, on which route, at this time, there is but a tri-weekly mail. That upon this route about thirty thousand people are dependent for their mail; and in view of the urgent demand for an increase of service thereon, your memorialists would respectfully but earnestly ask that a daily mail service may be granted on the aforesaid route, as a matter of great importance to the section of country interested.

Approved, March 19, 1853.

Memorial to the Post Office Department relative to increase of service, on Mail Route, No. 4529. Chap. 6.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the service on mail route, No. 4529, known as the Fond du Lac and Port Washington mail route, is limited to once each week, and the large number of inhabitants, on said mail route, renders it a matter of importance that service on said route should be increased to twice in each week.

And your memorialists would, therefore, respectfully ask that said service may be increased.

Approved, March 19, 1853.

Memorial to Congress for an additional Appropriation to aid in the Improvement of a Harbor at Manitowoc. Chap. 7.

To the Honorable the Senate and House of Representatives of the United States:

The Memorial of the State of Wisconsin respectfully represents:

That the village of Manitowoc is situate upon the west

shore of Lake Michigan, at the entrance of the Manitowoc river into said lake, nearly midway between the Manitou Islands and the north-east, Bailey's harbor on the north, and the city of Milwaukee on the south, about one hundred miles distant from any of the three points above named, between which points there is no harbor or place of shelter for the numerous boats and vessels navigating said lake, completed, on which the commerce is already large, and annually rapidly increasing. That during the season of navigation, great loss of life and property occurs on said lake, between the points aforesaid, much of which might be prevented by constructing a harbor at Manitowoc, at which point it is believed a harbor can be built at less expense than at any any other point on the west shore of said lake; that the appropriation of eight thousand dollars already made by congress for this point is barely sufficient to make a respectable beginning of a work of national importance, and well deserving the aid of the Government of the United States, and that should an additional appropriation of fifteen thousand dollars be made, and the aggregate amount be judiciously expended, it would, in the opinion of your memorialists, be sufficient to complete a safe and capacious harbor, easy of access, at the point aforesaid.

And your memorialists respectfully, but *earnestly*, ask of your honorable body to make the desired appropriation at an early day.

Approved, March 22, 1853.

Memorial to Congress for a Mail Route, from Mishcot to Francis' Creek, in the County of Manitowoc.

Chap. 8.

To the Honorable the Senate and House of Representatives of the United States:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That changing the mail route between Manitowoc and Green Bay, from Francis' Creek, and establishing the same by way of Two Rivers and Mishcot, and the discontinuance of the Post Office at Francis' Creek, has left a large and thickly settled agricultural region of country, nearly destitute of all mail facilities.

Your memorialists, therefore, respectfully, and earnestly request, that a mail route may be established from Mishcot to Francis' Creek, at an early day.

Approved, March 22, 1853.

A Memorial for the establishment of Mail service, on Mail Route, No. 7033. Chap. 9.

To the Honorable, the Post Master General of the United States:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interest and convenience of a densely populated, and large portion of country, are concerned in the establishment of mail service, on mail route, No. 7033, which lies between the villages of Watertown, in the county of Jefferson, and Fort Winnebago, in the county of Columbia.

Your memorialists, therefore, respectfully ask, that the mail route above referred to, may be immediately advertised for letting, and daily mail service established thereon.

Approved, March 22, 1853.

A Memorial for the establishment of Mail service on Mail route No. 4584. Chap. 10.

To the Honorable the Post Master General of the United States:

The Memorial of the Legislature of the State of Wisconsin, respectfully represents:

That the interest and convenience of a densely populated and large portion of country are concerned in the establishment of mail service on mail route No. 4584, which lies between the village of Columbus, in the county of Columbia, and Marquette, in the county of Marquette.

Your memorialists, therefore, respectfully ask, that the mail route above referred to, may be immediately advertised for letting, and tri-weekly mail service established thereon.

Approved, March 22, 1853.

Memorial to the Post Master General for an increase of Mail service on Mail route No. 4546. Chap. 11.

To the Honorable the Post Master General of the United States:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interest and convenience of the citizens of a densely populated and large portion of country are concerned in the establishment of increased mail service on

mail route No. 4545, which lies between the villages of Fox Lake, in the county of Dodge, and Fort Winnebago, in the county of Columbia.

Your memorialists, therefore, respectfully ask, that tri-weekly mail service may be established on the mail route above referred to.

Approved, March 22, 1853.

Chap. 12.

Memorial to the Post Master General, to establish a tri-weekly Mail from Madison, in the County of Dane, by way of Prairie du Sac, to Baraboo, in the County of Sauk.

To the Honorable Postmaster General of the United States:

The Memorial of the Legislature of the State of Wisconsin respectfully represent:

That the interests and convenience of the citizens of a thickly populated portion of country, are concerned in the establishment of a tri-weekly mail, from Madison, in the county of Dane, by way of Prairie du Sac, to Baraboo, in the county of Sauk, Wisconsin.

Your memorialists, therefore, respectfully ask, that the said mail service be established, at the earliest period.

Approved, March 22, 1853.

Chap. 13.

Memorial to the P. M. General for increase of Mail service on a certain Mail route.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the present mail facilities on the route from Madison *via* Montello to Waupaca Falls, are entirely inadequate to the wants and necessities of a densely populated portion of the country, and that it is of the utmost importance to the citizens of the large town of Montello, and the people north of that place, that such mail service should, at least, be increased to a tri-weekly mail, and that it is believed that if the same were established, it would cause no additional expense to the department.

Approved, March 31, 1853.

A Memorial for the establishment of a daily Mail service on Mail route No. 4567, from the village of Beetown, in this state, to the city of Galena, in the state of Illinois, via Potosi, Dickeyville, Jamestown and Fairplay. Chap. 14.

To the Honorable the Post Master General:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the present mail service between the village of Beetown, in this state, and the city of Galena in the state of Illinois, is altogether inadequate to the necessities of the business public, passing as it does through a densely populated portion of the country, and between points, whose business connections are already of great importance, and constantly increasing.

Your memorialists, therefore, respectfully ask, that the mail service above referred to, may be immediately advertised for letting, and daily mail service established thereon.

Approved, March 31, 1853.

A Memorial to the Post Master General of the United States, for Mail service, on Route, 7071. Chap. 15.

The people of the State of Wisconsin, represented in Senate and Assembly:

The Memorial of the Legislature of the State of Wisconsin respectfully represent:

That it would materially benefit the rapidly increasing population of Manitowoc and Calumet counties, by placing mail service on that portion of mail route 7071, from Manitowoc to Menasha.

Your memorialists would, therefore, urge the necessity of placing mail service on said route.

Approved, March 31, 1853.

A Memorial to Congress for the establishment of a Mail route. Chap. 16.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interest and convenience of a large number of citizens require the establishment of a new mail route from Montello, in Marquette county, via Roslin P. O., Moundville P. O., Beaver Creek P. O., to Portage city,

in Columbia county, and that the service of such mail route be semi-weekly.

Approved, March 31, 1853.

Memorial to Congress for a Mail route, from the village of Shullsburg, in Lafayette county, to the city of Dubuque, in the State of Iowa.

Chap. 17.

To the Honorable the Senate and House of Representatives of the United States:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interest and convenience of a large portion of the citizens of Lafayette and Grant counties would be greatly enhanced by the establishment of a tri-weekly mail route from the village of Shullsburg, in the county of Lafayette, by the way of the villages of New Diggings, Benton, Hazel Green, and Fairplay, to the city of Dubuque, in the state of Iowa, a distance of forty miles.

Your memorialists would represent that the establishment of said mail route would be of great importance to the people residing in that portion of the state, and are of the opinion, that the proposed route, if established, would be a source of revenue to the department.

Your memorialists would, therefore, respectfully ask, that the aforesaid mail route may be established at the earliest practicable period.

Approved, April 2, 1853.

Memorial for a tri-weekly Mail from Janesville to Albany, in the county of Green.

Chap. 18.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interest and convenience of a large portion of the counties of Rock and Green, are concerned in the establishment of a tri-weekly mail service on that portion of mail route, No. 4572, which lies between the village of Janesville, in the county of Rock, and Albany, in the county of Green.

Your memorialists, therefore, respectfully ask that the aforesaid mail service may be placed upon said mail route as aforesaid, at the earliest practicable period.

Approved, April 2, 1853.

A Memorial, remonstrating against the discontinuance of daily Mail service on the Mail routes therein named. Chap. 19.

To the Honorable the Post Master General of the United States:

The Remonstrance of the Legislature of the State of Wisconsin respectfully represents:

That the interests and convenience of a densely populated and large portion of country, are deeply concerned in the continuance of daily service on the mail routes lying between Racine and Janesville, and the one lying between Kenosha and Beloit, in the state of Wisconsin, that several large and important villages are situated on said mail routes, which are entirely dependent on them for mail service, that said villages are largely engaged in manufactures and other business pursuits, which will be seriously injured by a withdrawal from them of the daily mail service which they have enjoyed for several years past.

Your memorialists, therefore, respectfully ask, that daily mail service may be continued on said routes, and that the same may not be reduced to a tri-weekly mail.

Approved, April 2, 1853.

Chap. 20.

Memorial to Congress for an appropriation to pay the expenses of the Territorial Legislature, for the sessions of 5th Dec. 1842, and 30th Jan'y, 1843.

The Memorial of the Legislature of the State of Wisconsin respectfully sheweth:

That certificates for six days' attendance and mileage, were issued to the members of the Legislative Assembly of said Territory, for the session commencing on the fifth December, A. D. 1842, and for eight days' attendance and mileage, for the session commencing on the 30th January, A. D., 1843, which have not been paid by the said Territory or State of Wisconsin, and that said services were performed by the members of said Territorial Legislature in good faith, and in pursuance of a law of said Territory, and the same is a just claim against the United States.

Your memorialists, therefore, respectfully pray that an appropriation be made by your honorable bodies, to pay said certificates. And your memorialists will ever pray.

Approved, April 2, 1853.

Chap. 21. Memorial to Congress to pay a certain claim for arresting and keeping a certain United States' Prisoner.

To the Honorable the Senate and House of Representatives in Congress assembled:

The Memorial of the State of Wisconsin respectfully represents:

That in the month of September, 1849, one Elijah K. Jenner was convicted of counterfeiting United States coin, in the U. S. District Court of this state, and sentenced to states prison for ten years, and that in accordance with such sentence, he was confined in the jail of Waukesha county, (there being no states prison,) when he remained in the keeping of Alexander F. Pratt, sheriff of said county, for the space of three months, when he broke jail and made his escape; that said Jenner was pursued by said sheriff, and finally captured; that said Jenner after remaining in said jail two months and twenty days, again made his escape; and that said sheriff has never received any compensation for keeping or pursuing said prisoner.

Your memorialist, therefore, respectfully asks, the sum of five hundred and thirty dollars be allowed to said Pratt, for his expenses for pursuing and for keeping said prisoner, believing that amount to be justly due him, for the reasons aforesaid.

Approved, April 2, 1853.

Chap. 22. Memorial to the Post Master General for a mail route, from Richland City, to Warner's Landing.

To the Honorable Post Master General:

The Memorial of the Legislature of the State of Wisconsin respectfully represent:

That the interest and convenience of a large majority of the citizens of Richland and Bad Ax counties, are interested in the establishment of a mail route, from Richland City, in Richland county *via* Richmond, Viroqua, Springville to Warner's landing, in Bad Ax county.

Your memorialists further state that it would be a great benefit to the people residing in that district of our State, many of whom are now destitute of mail facilities, and your memorialists are of the opinion that the establishment of the proposed mail route would be a source of revenue to the department, affording mail facilities to a portion of the State rapidly filling up with enterprising settlers.

Approved, April 2, 1853.

A Memorial for the increase of Mail service on Mail route No. 4551. Chap. 23.

To the Honorable the Post Master General of the United States:

The Memorial of the Legislature of the State of Wisconsin:

That the interest and convenience of a densely populated portion of country are concerned in the establishment of increased mail service on mail route No. 4551. From Janesville, Rock county, passing through Fulton, Cooksville, Dunkirk, Stoughton and Lake View, to Madison.

Your memorialists, therefore, respectfully ask, that the service on the mail route above referred to, may be increased to a tri-weekly mail.

Approved, April 2, 1853.

Memorial to the Post Master General, for the establising of Mail service, on Route, No. 5650. Chap. 24.

To the Honorable the Post Master General of the United States:

The Memorial of the Legislature of the State of Wisconsin represents:

That the interests and convenience of the citizens of a densely populated, and large portion of country, are concerned in the establishment of mail service, on route No. 5650, which lies between the villages of Columbus, in the county of Columbia, and Theresa, in the county of Dodge.

Your memorialists, therefore, respectfully ask, that said mail route above referred to may be immediately advertised for letting, and mail service established thereon.

H. L. PALMER,
Speaker of the Assembly.
DUNCAN C. REED,
President pro. tem. of the Senate.

Approved, April 2, 1853.
LEONARD J. FARWELL.

APPROPRIATIONS.

Date of Approval.	To whom and for what appropriated.	Amount.
1853.		
Feb. 1,	Mileage of Members of Legislature - -	$1982 4
7,	do. do. do. - -	25 2
7,	$75 to each member of legislature, on account of per diem - - - - -	8025 0
7,	Timothy Burns - - - - -	125 0
7,	Henry L. Palmer - - - - -	125 0
7,	Jno. K. Williams, on account of self and assist. -	550 0
7,	Thos. McHugh, do. do. do. -	550 0
7,	Thomas Hood, part pay of officers - -	400 0
7,	Richard F. Wilson, do. do. - -	400 0
7,	E. B. Quiner, advertising - - -	28 0
10,	Emory Healy, keeping state prisoners - -	38 3
10,	Donaldson & Tredway, boxes, ink, &c. - -	27 2
16,	E. Schumaker, pad-lock, - - -	8 0
18,	Beriah Brown, printing - - -	502 6
18,	Beriah & John A. Brown, printing - -	21 2
18,	David McKee, do. - - -	28
19,	Albert O. Ingham, binding Agricul. Transactions	540
23,	H. H. Brennan, state prisoners - - -	105
23,	Curtis Beach, do. - - - -	34
28,	S. H. Martin, erecting gallows - - -	82
28,	Alfred Main, services as Sheriff - - -	102
28,	C. L. Claussen, newspapers - - -	45
28,	A. F. Spofford, cushions - - - -	27
28,	M. T. Zander, coffins - - - -	2
28,	H. N. Davis, medicine for state prisoners -	3
28,	George Memhard, painting and papering -	70
28,	N. S. Emmons, water tub - - -	10
28,	C. S. Abbott, lumber - - - -	207
Mar. 3,	J. F. Birchard, furniture - - - -	301
4,	J. C. Fairchild, sundries furnished Capitol -	26
4,	Wright & Tenney, camphene, &c. - -	48
4,	Turton & Sercomb, columns - - -	79

Date of Approval.	To whom and for what appropriated.	Amount
Mar. 4,	$75 to each member of legislature, on account of per diem	$025 00
4,	Timothy Burns, per diem	175 00
4,	Chief Clerk Senate, on account of salaries of clerks	830 00
4,	do. Assembly, do. do. do.	830 00
4,	Serg't-at-arms do. do. do. do.	800 00
4,	do. Senate, do. do. do.	950 00
4,	Henry L. Palmer, per diem	100 00
4,	Chief Clerk Senate, extra clerk hire	100 00
4,	do. Assembly, do.	100 00
7,	Chas. M. Reeser, 1500 copies of "Emigranten,"	150 00
10,	David Van Alstine, surveying state road	232 00
10,	Solmon Soule, do. do.	70 50
10,	James Halpin, services of self and assist.	60 00
10,	Reed & Whittemore, book binding and stationery	801 88
10,	Sylvander Patridge, conveyance and execution of state prisoners	400 55
10,	Deming Fitch, furniture	383 00
10,	Alexander Mitchell, territorial scrip	160 00
14,	Tibbitts & Gordon, merch. and building materials	1920 85
14,	David Holt, stationery	195 26
14,	D. K. Tenny, comparing proof of laws 1852	70 00
14,	William E. Cramer, newspapers	22 17
14,	George R. Stuntz, state prisoners	79 35
14,	State Superintendent, travelling expenses, annually,	600 00
17,	G. W. Babcock, clothing state prisoners	17 90
17,	Holt & Brown, stationery	32 50
17,	John A. Brown, travelling expenses	11 00
17,	R. Dunlap, medicine for state prisoners	5 75
19,	James Halpin, stationery, wood, labor, &c	647 66
22,	Matthias Martin, night watch	365 00
22,	Campbell, Brush & Co., carpenter work	223 85
22,	Charles Frissell, coat for state prisoner	6 00
22,	Samuel W. Beall, clerk's fees	51 99
22,	D. Appleton & Co., books for superinten. office	86 00
22,	Morris Catlin, do. do.	18 38
22,	Wm. O. Ticknor & Co., do. do.	80 43
22,	O. G. Steele, books and stationery	60 00
23,	Charles T. Wakeley, printing	3919 42
25,	A. V. Fryer, services	350 00
25,	Weed & Eberhard, binding and stationery	226 95
25,	A. T. Gray, chief clerk	20 00
25,	D. N. Johnson, assistant clerk	10 00
26,	Tibbits & Gordon, stationery for legislature	2227 94

Date of Approval.	To whom and for what appropriated.	Amount
Mar. 29,	Chauncey Abbott, postage	3292 2
29,	Compiling documentary history	400 0
29,	B. F. Adams, mileage and per diem, while contesting seat	114 7
29,	Postmaster Madison, postage state officers	600 0
31,	Emigrant Agent, one year's salary	1500 0
31,	do. expenses of office	2300 0
31,	Alexander G. McBride, wood	220 0
31,	John McBride, do.	437 5
31,	W. H. Foote & Brother, carriage	54 7
31,	M. L. Sayles, boarding state prisoners	20 0
31,	Hazel Green Deaf and Dumb Asylum,	250 0
April 1,	John W. Hunt, maps	50 0
2,	S. A. Talmadge, re-payment of taxes	17 5
2,	Balance of per diem of members of the legislature, $57 50, each	6152
2,	Lt. Governor, per diem	115 0
2,	President pro tem. of senate, per diem	207
2,	Speaker of the assembly, do.	57
2,	Chief Clerk of Senate, salary of clerks	745 0
2,	do. Assembly, do. do.	745 0
2,	Sergeant-at-arms senate, salary of officers	434
2,	do. assembly, do. do.	418
2,	Chief Clerk of senate, balance for clerks	196
2,	do. assembly, do. do.	196
2,	Fratney & Herzberg, print. 1000 copies gov. mess	100
2,	James Halpin, services as super't. of pub. prop.	332
2.	Delancy Thayer, do. assistant librarian	207
2,	Matthias Martin, do. about capitol	207
2,	Ernest Wilhelm, do. do.	207
2,	Patrick Gilluly, do. do.	207
2,	Jno. A. Brown, services in impeachment case	150
2,	David Atwood, Beriah Brown, S. D. Carpenter, assignees of C. C. Sholes, printing,	12229
2,	Geo. Burnside, printing gov. message in Welsh	40
2,	Edward H. Janssen, services under banking law	500
2,	Darwin Clark, furniture for capitol,	102
2,	Shœffler & Wendte, printing in German 1000 copies governor's message, 1500 copies secretary of state, and superintendent's report	250
2,	C. S. Abbott, lumber for capitol	51
2,	Fratney & Herzberg, printing amendment to constitution	16
2,	Wis. Inst. for the education of the deaf and dumb, support of said institute	1500

Date of Approval.	To whom and for what appropriated.	Amount.
April 2,	A. T. Gray, services board of equalization	25 00
2,	do. do. in impeachment case	50 00
2,	Wis. Institute for the education of the blind, support of said institute for year commencing Oct. 1, 1853,	2500 00
2,	J. Quintus, printing governor's message in Holland language	50 00
2,	Benjamin F. Hopkins, telegraphing	59 81
2,	J. White, boarding and conveying state prisoners	292 27
2,	James S. Baker, bank comptroller	300 00
2,	John A. Carswell, state prisoners	57 50
2,	Com. of State Prison, expenses of same	10,000 00
2,	V. Kohlmann & Co., 500 copies governor's mess., in German language	50 00
2,	Schœffler & Wendt, printing and publishing	74 38
2,	Chief Clerk assembly and senate, to pay chaplains	332 00
2,	A. Earll, boxes furnished state	9 75
2,	A. F. Cady, account from state prison	125 05
2,	N. S. Newton, do. do.	8 00
2,	James H. Knowlton, services in supreme court	100 00
2,	Shaw & Hyer, publishing	47 50
2,	Charles M. Reesser, printing	30 00
2,	O. J. Hattestad, do.	70 00
2,	Weed & Eberhard, books and stationery	445 35
2,	Governor of this State, expenses of state prison	3000 00
2,	A. Marsohner, 500 copies "Wis. Republicana,"	50 00
2,	Thomas McHugh, services as clerk electoral college, 1852	15 00
2,	The Governor, contingent fund	5000 00
2,	James Halpin, stationery for next legislature	2000 00
2,	Thomas McHugh, services to school commissioner	400 00
2,	E. C. Hull, special messenger	16 00
2,	James L. Manville, conveying prisoners	58 28
2,	S. D. Carpenter, messenger	22 00
2,	Wm. S. Hascall, in full of account	78 50
2,	James K. Smith, int. on state prison certificate	72 94
2,	Chief Clerk senate, additional clerk hire	100 00
2,	do. assembly, do.	100 00
2,	D. Casey, serving subpœnas	10 75
2,	A. Whittemore & Co., stationery,	82 00
2,	Robinson & Brother, printing	26 25
2,	Governor, to pay sundry accounts	2892 75
2,	John Fitzgerald, commissioners clerk	200 00
2,	Tibbits & Gordon, goods	20 51

Date of Approval.	To whom and for what appropriated.	Amount.
April 2,	Jacob Quintus, 1000 governor's message	100 00
2,	John E. Holmes, expenses contesting seat	40 00
2,	State Agricultural Society,	1000 00
2,	C. G. Mayers, clerk to commissioners	56 00
June 22,	James Halpin, services in superintending the preparation of senate chamber	238 00
22,	G. R. McLane, Com. to inspect improvement	125 00
22,	N. M. Donaldson, do. do. do.	125 00
22,	O. Reed, do. do. do.	125 00
22,	H. D. York, do. do. do.	125 00
22,	J. T. Lewis, do. do. do.	125 00
July 12,	J. K. Williams, services as chief clerk senate	500 00
12,	do. preparing court journal	150 00
12,	Geo. H. Paul, services as assistant clerk	190 00
12,	R. P. Clement, writing done in the senate	133 00
12,	Thomas Hood, per diem	400 00
12,	do. services for self, and others employed by him, in serving subpœnas for and on account of impeachment case	483 80
12,	Thomas Hood, J. L. Sweeny, A. Manning and J. Richardson, his assistants	127 00
12,	J. L. Sweeny, per diem as assist. sergeant-at-arms	222 00
12,	do. travelling exp. in serving subpœnas	85 00
12,	L. L. Smith, per diem as door-keeper senate	95 00
12,	A. Manning, do. assist. do. do.	60 00
12,	Becker, messenger of do.	95 00
12,	Chas. Wheeler, do. do.	95 00
12,	Thomas McHugh, chief clerk assembly	290 00
12,	do. extra clerk hire	50 00
12,	David McKee, assistant clerk of assembly	190 00
12,	S. D. Powers, writing for the assembly	140 00
12,	A. B. Braley, do. do.	140 00
12,	J. T. Wilson, do. do.	140 00
12,	Richard F. Wilson, sergeant-at-arms assembly	157 00
12,	W. H. Gleason, assist. do. do.	95 00
12,	Steph. McHugh, do. do. do.	95 00
12,	John Ballard, messenger do.	95 00
12,	Michael Ames, do. do.	95 00
12,	Delancey Thayer, assistant librarian	95 00
12,	Patrick Gilluly, services	37 50
12,	Postmaster Madison, postage to June 30	312 51
12,	Jas. Campbell, boxes	13 50
12,	John Fitzgerald, services in secretary's office	200 00
12,	James Halpin, general services	144 00

Date of Approval.	To whom and for what appropriated.	Amount.
July 12,	M. Martin, porter - - - -	90 00
12,	N. M. Donaldson, expenses to Waupun -	10 00
12,	Weed & Eberhard, books and stationery -	142 14
12,	Shœffler & Wendt, 250 copies mining and smelting report - - - - -	25 00
12,	J. W. Hunt, 3 days asst. clerk of assembly -	15 00
12,	do. services com. of senate - -	10 00
12,	Holt & Brown, stationery - - -	28 50
12,	Chief Clerk senate and assembly, to pay chaplains,	100 00
12,	A. Whittemore & Co., stationery for legislature -	1472 53
12,	J. Slightam, ice do. -	71 25
22,	John Wright, knives do. -	62 50
12,	Beriah Brown, report of trial - - -	250 00
12,	Campbell, Brush & Co., carpenter work -	41 37
12,	D. Holt, stationery - - - -	211 42
12,	Charles Foote, carriage - - - -	77 78
12,	James Halpin, expenses to Milwaukee -	12 00
12,	A. M. Pett & Co., camphene - - -	94 94
12,	Chief Clerk senate, extra enrolling - -	75 00
12,	do. assembly, do. - -	75 00
12,	Lyman Cowdery, writing for senate - -	15 00
13,	John Taylor, state prison disbursements -	250 00
13,	Timothy O. Howe, holding court in Mil. county -	225 00
13,	G. J. Fowler, witness fees - -	33 20
13,	Samuel G. Knight, do. - -	23 45
13,	Amos Sawyer, do. - -	19 20
13,	Winfield Smith, do. - -	71 60
13,	Francis Randall, do. - -	48 40
13,	Ephraim Mariner, do. - -	68 40
13,	W. H. Besley, do. - -	32 05
13,	Arthur McArthur, do. - -	62 40
13,	Albert Smith, do. - -	42 40
13,	Robert Wier, do. - -	30 00
13,	Calvert C. White, do. - -	110 22
13,	George P. Thompson, do. - -	47 84
13,	Alexander Cook, do. - -	55 60
13,	William Dutcher, do. - -	15 60
13,	Peter Rogan, do. - -	51 60
13,	E. Hubbard, do. - -	72 60
13,	R. B. Rice, do. - -	17 20
13,	James P. Greves, do. - -	60 40
13,	Lafayette Kellogg, do. - -	10 00
13,	Asahel Finch, do. - -	84 00
13,	William Clark, do. - -	16 00

Date of Approval.	To whom and for what appropriated.		Amount
July 13,	Russel Wheeler,	witness fees	45 20
13,	Jonathan Taylor,	do.	79 60
13,	Jason Downer,	do.	41 20
13,	William A. Barstow,	do.	93 60
13,	William Sanderson,	do.	50 40
13,	Robert W. Wright,	do.	42 80
13,	A. F. Pratt,	do.	44 80
13,	Henry K. White,	do.	46 00
13,	George Cogswell,	do.	77 60
13,	William H. Thomas,	do.	31 64
13,	Hiram J. Ross,	do.	18 00
13,	Mary A. Howe,	do.	25 00
13,	John Crawford,	do.	18 68
13,	James H. Paine,	do.	19 20
13,	William S. Hascall,	do.	18 80
13,	William S. Hawkins,	do.	18 80
13,	A. W. Randall,	do.	16 80
13,	H. D. Barron,	do.	45 60
13,	George H. Walker,	do.	33 20
13,	John Hart,	do.	34 40
13,	H. N. Davis,	do.	42 80
13,	Lafayette Towsley,	do.	29 30
13,	Leander Wyman,	do.	19 20
13,	Walter S. Everett,	do.	18 20
13,	J. H.	do.	41 20
13,	William H. Pettit,	do.	90 72
13,	E. V. Whiton,	do.	22 80
13,	Isaac Woodle,	do.	45 80
13,	A. Hyatt Smith,	do.	29 10
13,	Matthew Keenan,	mileage and per diem	67 20
13,	do.	transcripts & copies of records	239 00
13,	George B. Smith,	witness fees,	40 24
13,	William W. Brown,	do.	40 00
13,	Levi B. Vilas,	do.	26 24
13.	J. Gillett Knapp,	do.	18 00
13,	David Atwood,	do.	4 24
13,	William N. Seymour,	do.	8 12
13,	William K. Wilson,	do.	68 20
13,	do.	trav. exp., employed by com.	21 20
13,	Alexander L. Collins,	witness fees,	56 00
13,	Charles Lum,	do.	42 50
13,	H. A. Tenney,	do.	4 00
13,	H. S. Orton,	do.	52 00
13,	Charles K. Watkins,	do.	29 20

Date of Approval.	To whom and for what appropriated.	Amount.
July 13,	A. S. Wood, witness fees, - - -	6 00
13,	B. F. Hopkins, telegraphing, - - -	234 59
	Total amount appropriated, - -	$116,738 21

STATE OF WISCONSIN, } ss.
SECRETARY'S OFFICE,

I, CHARLES D. ROBINSON, Secretary of State of said State, hereby certify, that the Laws, Joint Resolutions, Memorials and Appropriations, published in this book, have been compared with the original enrolled acts deposited in this office, and that they appear to be correctly printed.

In Testimony Whereof, I have hereunto set my hand and affixed the great seal of the State, at the Capitol in Madison, this 28th day of July, A. D. 1853.

L. S.

CHARLES D. ROBINSON,
Secretary of State.

DATE OF PUBLICATION OF GENERAL LAWS.

Chap.	1.	Pub. Febr. 2,	1853.	Chap.	32.	Pub. April 6,	1853.
„	2.	Febr. 12,	„	„	33.	Mar. 17,	„
„	3.	Febr. 12,	„	„	34.	Mar. 22,	„
„	4.	Febr. 10,	„	„	35.	Mar. 26,	„
„	5.	Febr. 12,	„	„	36.	Mar. 22,	„
„	6.	Febr. 22,	„	„	37.	Mar. 23,	„
„	7.	Febr. 22,	„	„	38.	Mar. 23,	„
„	8.	Febr. 22,	„	„	39.	Mar. 21,	„
„	9.	Febr. 22,	„	„	40.	Mar. 30,	„
„	10.	Febr. 22,	„	„	41.	Mar. 30,	„
„	11.	Mar. 5,	„	„	42.	April 5,	„
„	12.	Mar. 14,	„	„	43.	Mar. 28,	„
„	13.	Mar. 5,	„	„	44.	Mar. 29,	„
„	14.	April 26,	„	„	45.	Mar. 28,	„
„	15.	April 24,	„	„	46.	April 6,	„
„	16.	Mar. 5,	„	„	47.	April 5,	„
„	17.	Mar. 30,	„	„	48.	April 5,	„
„	18.	Mar. 14,	„	„	49.	April 4,	„
„	19.	Mar. 14,	„	„	50.	April 5,	„
„	20.	Mar. 24,	„	„	51.	April 6,	„
„	21.	Mar. 8,	„	„	52.	Mar. 31,	„
„	22.	Mar. 26,	„	„	53.	April 20,	„
„	23.	Mar. 16,	„	„	54.	April 19,	„
„	24.	Mar. 17,	„	„	55.	April 12,	„
„	25.	April 6,	„	„	56.	April 11,	„
„	26.	Mar. 17,	„	„	57.	April 18,	„
„	27.	Mar. 17,	„	„	58.	April 11,	„
„	28.	Mar. 18,	„	„	59.	April 8,	„
„	29.	Mar. 25,	„	„	60.	Mar. 14,	„
„	30.	Mar. 18,	„	„	61.	April 14,	„
„	31.	Mar. 16,	„	„	62.	April 13,	„

Chap.	63.	Pub. April 12, 1853.	Chap.	88.	Pub. April 19, 1853.
„	64.	April 11, „	„	89.	April 12, „
„	65.	April 15, „	„	90.	April 16, „
„	66.	April 8, „	„	91.	April 12, „
„	67.	April 8, „	„	92.	April 12, „
„	68.	April 15, „	„	93.	April 11, „
„	69.	April 9, „	„	94.	June 11, „
„	70.	April 7, „	„	95.	June 11, „
„	71.	April 9, „	„	96.	June 11, „
„	72.	April 11, „	„	97.	July 16, „
„	73.	April 12, „	„	98.	July 15, „
„	74.	April 12, „	„	99.	July 18, „
„	75.	April 19, „	„	100.	July 16, „
„	76.	April 12, „	„	101.	July 16, „
„	77.	April 14, „	„	102.	July 16, „
„	78.	April 26, „	„	103.	July 20, „
„	79.	April 14, „	„	104.	July 20, „
„	80.	April 26, „	„	105.	July 21, „
„	81.	April 11, „	„	106.	July 21, „
„	82.	April 12, „	„	107.	July 20, „
„	83.	April 11, „	„	108.	July 16, „
„	84.	April 11, „	„	109.	July 20, „
„	85.	April 12, „	„	110.	July 20, „
„	86.	April 12, „	„	111.	July 21, „
„	87.	April 16, „	„	112.	Aug. 1, „

INDEX.

INDEX.

A.

	Page.
Adams County—Boundaries of,	26
Adopted Children,	83
Agriculture,	73
Appeals—from register of state land office,	3
to state superintendent,	86
by garnishees,	46
Apportionment of School Moneys,	87
Appraisers of Capitol Lands,	103
Appropriation—of contingent fund,	61
of general fund,	124
Assembly—Contesting seats in,	42
Assignments,	106
Attachment,	102
Arms of State,	111

B.

Bank Comptroller,	74
Bank Paper,	71
Bills of Exchange,	79
Bond on Appeal from Register,	3
Buffalo County Organized,	98

C.

Canal Land Mortgages,	89
Capital Punishment Abolished,	100
Cities—Vacating addition to,	80
Chief Clerk—Salary of,	105
Certificate—on appeal from register,	4
Commissioner of Emigration,	31, 52, 56
Contracts—Enforcement of,	80

COUNTIES—Claims against, ... 12
supervisors to adopt town system for the support of poor, ... 24
Chippewa, ... 48
St. Croix, ... 28, 98
Jackson, ... 98
Clark, ... 98
La Crosse, ... 7
Ozaukee, ... 18
Pierce, ... 28, 98
Polk, ... 28, 98
Shawanaw, ... 9
Waupacca, ... 6
Washara, ... 11
Washington, ... 11
Washington, division of, ... 18
Buffalo, ... 98
CIRCUIT COURTS—in Milwaukee, ... 5, 64
Third circuit, ... 10
Fifth circuit, ... 14, 37
Jefferson county, ... 51
Marquette county, ... 13
Ozaukee county, ... 84
Washington county, ... 11
Brown county, ... 100
Seventh circuit, ... 40
Portage county, ... 11
Washara county, ... 11
Waukesha county, ... 22, 38
Clerks to keep lists of jurors, . . . 17
Clerks not to act as attorneys, . . . 62
Special terms of, ... 45
Appointment of commissioner in, . . . 11

D.

DANE COUNTY—time for collecting taxes in, ... 8
DISCHARGE—of joint debtors, ... 84
DOWER—of widow in husband's estate, ... 78

E.

EMIGRATION COMMISSIONER, ... 52
TRAVELLING AGENT, ... 56

F.

Fox and Wisconsin River Improvement—
Scrip to be received for lands, . . . 75
Commissioners of, to make no new contracts, . 76
Association organized, ... 93
Fees of Town Treasurer, ... 87
Fish—Preservation of, ... 84

G.

Game—Preservation of, ... 25
Garnishees—Appeals by 46
Geological Survey of State, ... 46
Duties of Geologist, ... 47
Salary fixed, ... 48

H.

Highways—Navigable streams to be, ... 74
Historical Society Incorporated, ... 75
History—Expenses of compiling defrayed, . . . 48
Homestead Law, ... 198

I.

Indians—Menomonee, ... 110
Stockbridge, ... 111
Impeachment—trial of, ... 22

J.

Joint Debtors 81
Judicial Circuit, Seventh—organized, ... 40
election of judge in, . . 40
Judgment against Towns, ... 30
Justices of the Peace, ... 104
Justice's Court—Removal of causes in, . . . 77, 104

L.

Laws—to be published in German, ... 53
when published, ... 134
Lands—survey of, ... 78
sale of, ... 86
Legislature—pay of Members of, . . . 63, 121
pay of Lieut. Governor, . . . 64

LEGISLATURE—pay of President pro tem., ... 64
biennial sessions of, ... 90
LIGHT HOUSES—ceding lands for, ... 13
in Winnebago county, ... 62
LIEN, ... 81
LIQUOR LAW SUBMITTED, ... 99
LOAN BY STATE, ... 53
form of bonds, ... 54
how paid, ... 55

M.

MANITOWOC HARBOR, ... 115
MILWAUKEE AND ROCK RIVER CANAL, ... 89
MORTGAGES—foreclosure of, ... 23, 80
MAIL ROUTES—Beetown to Galena, ... 119
Columbusto Marquette, ... 117
Columbus to Theresa, ... 123
Fond du Lac to Port Washington, . . 115
Fox Lake to Fort Winnebago, . . 118
Janesville to Albany, ... 120
Janesville to Madison, ... 122
Kenosha to Beloit, ... 121
Madison to Baraboo, ... 118
Madison to Waupacca Falls, . . . 118
Montello to Portage City, ... 119
Racine to Janesville, ... 121
Richland City to Warner's Landing, . . 122
Shullsburg to Dubuque, ... 120
Watertown to Fort Winnebago, . . 117
In Dane county, ... 113
In Manitowoc county, ... 116
In Sheboygan county, ... 114

N.

NOTICE ON APPEAL, ... 3
NETTING FISH—prohibited, ... 84

O.

OZAUKEE COUNTY—erection of, ... 18
public buildings in, ... 20
election of officers of, ... 38

P.

Pierce County—organized, ... 28, 98
Polk County—organized, ... 28, 98
Police Court—in Milwaukee, ... 32
Poor—support of, ... 24
Prescott—seat of justice of Polk county, . . . 29
Probate Court—practice in, ... 78, 86
Probate Court—in Milwaukee, ... 78, 86
Promissory Notes, ... 79
Publication of Tax Law, ... 82

R.

Railroads—aid to construct, ... 106
may connect with other roads, . . . 77
may construct across streets, &c., . . 37
Removal of Causes in Justices' Courts, . . . 77
Religious Societies, ... 86
Replevin—action of, ... 46
sureties to bond in, ... 45
Return on Appeal by Register, ... 4
Roads—private 16

S.

Shawanaw County—incorporated, ... 9
Secretary of State—to audit accounts, . 4, 61, 82, 101
School Lands 91
payment for surveying of, . . . 17
appraisal of, ... 43
sale when forfeited, ... 44
taxation of, ... 88
in Fond du Lac county, ... 111
School Libraries, ... 43
School Taxation—by districts, ... 50
School Moneys, ... 87
Senate Districts, ... 91
Senators—length of term of, ... 91
Sergeant-at-Arms—salary of, ... 103
Sheriff to sell Mortgaged Premises, ... 23
Smith William R.—appropriation to, ... 48
St. Croix County—divided, ... 28
State Agricultural Society, ... 5
State Prison—election of commissioner of . . 23, 111
appropriation to, ... 76

State Loan, ... 53
State Superintendent, ... 24
State Roads, ... 44
Stationery, ... 63
Stock Companies, ... 66
Supreme Court—practice in, ... 101
Superintendent of Towns, ... 86
Supervisors—powers of, ... 65
decisions of 12
Surveyors—duty in subdividing land 78

T

Taxes—in School districts, how levied, ... 50
on school lands, ... 87
sales of land for, ... 57
certificate to be a lien, ... 57
for 1853, ... 83
Taxation for School Purposes, ... 31
Tender, ... 65
Towns—judgments against, ... 30
duties of clerks of, ... 31
treasurer of, ... 87
division of, ... 90

V

Venue—change of, in certain courts, ... 51

W

Washington County—courts in, ... 11
division of, ... 18
seat of justice in, ... 21
election of officers of, ... 38
transcribing records of, ... 39
Washara County—courts in, ... 11
Waukesha County—courts in, ... 22
Waupacca County—organized judicially, ... 6

GENERAL ACTS

PASSED BY THE

LEGISLATURE OF WISCONSIN,

IN THE YEAR

EIGHTEEN HUNDRED AND FIFTY-FOUR,

TOGETHER WITH

MEMORIALS AND RESOLUTIONS.

PUBLISHED BY AUTHORITY.

MADISON:
PRINTED BY DAVID ATWOOD.
1854.

LIST OF OFFICERS.

"SECTION 1. * * * There shall be prefixed to each volume of laws hereafter published, the names and residence of the several State Officers, the Senators, and Members of the Assembly, and the Presiding Officers, and Clerks of both branches of the Legislature, at the time of the passage of such laws."—*General Laws*, 1854, *Chap.* 94.

NAMES AND RESIDENCE

OF THE STATE OFFICERS, SENATORS, MEMBERS OF ASSEMBLY, PRESIDING OFFICERS, AND CLERKS OF BOTH BRANCHES OF THE LEGISLATURE, IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

NAME.	OFFICE.	RESIDENCE.	
		NEAREST POST OFFICE.	COUNTY.
Wm. A. Barstow,	Governor,	Waukesha,	Waukesha,
Geo. P. Delaplaine,	Prv. Secy. of Gov.	Madison,	Dane,
James T. Lewis,	Lieut. Governor,	Columbus,	Columbia.
Alexander T. Gray,	Sec'y. of State,	Janesville,	Rock.
John W. Hunt,	Asst. do	Madison,	Dane,
Edward H. Janssen,	State Treasurer,	Mequon River,	Ozaukee.
Daniel M. Seaver,	Asst. do	Madison,	Dane,
Geo. B. Smith,	Attorney General,	do	do
Hiram A. Wright,	State Sup't.	Prairie du Chien,	Crawford,
Robt. M. Long,	Asst. do	Madison,	Dane.
Wm. M. Dennis,	Bank Comptroller,	Watertown,	Jefferson.
A. Menges,	Deputy do	Madison,	Dane,
A. W. Starks,	S. Prison Com'r.,	Waupun,	Dodge.
August Kruer,	State Librarian,	Madison,	Dane,
John Quincy Adams,	Senator,	Fall River,	Columbia,
Benjamin Allen,	do	Hudson,	St. Croix,
Coles Bashford,	do	Oshkosh,	Winnebago.
Andrew M. Blair,	do	Ozaukee,	Ozaukee.
E. B. Bowen,	do	Mayville,	Dodge,
John W. Cary,	do	Racine,	Racine,
Nelson Dewey,	do	Lancaster,	Grant,
Charles Dunn,	do	Cottage Inn,	La Fayette,
C. N. Eldredge,	do	Fond du Lac,	Fond du Lac.
Levi Grant,	do	Kenosha,	Kenosha,
L. P. Harvey,	do	Shopier,	Rock,

NAME.	OFFICE.	RESIDENCE.	
		NEAREST POST OFFICE.	COUNTY.
Daniel Howell,	Senator.	Jefferson,	Jefferson.
E. M. Hunter,	do	Milwaukee,	Milwaukee.
Joseph F. Loy,	do	Depere,	Brown.
Edward McGarry,	do	Milwaukee,	Milwaukee.
George R. McLane,	do	Hartland,	Waukesha.
Baltus Mantz,	do	Meeker,	Washington.
Ezra Miller,	do	Spring Valley,	Rock.
J. D. Reymert,	do	Denoon,	Waukesha.
Levi Sterling,	do	Mineral Point,	Iowa.
Horatio N. Smith,	do	Plymouth,	Sheboygan.
D. S. Vittum,	do	Baraboo,	Sauk.
Eleazer Wakeley,	do	Whitewater,	Walworth.
F. H. West,	do	Monroe;	Green.
T. T. Whittlesey.	do	Pheasant Branch.	Dane·
William P. Allen,	Member of Assembly	Sharon,	Walworth,
Allen H. Atwater,	do	Oak Grove,	Dodge,
Samuel H. Baker,	do	Bristol,	Dane,
Harry Barnes,	do	Middleton,	Dane,
B. F. Barney,	do	Mayville,	Dodge,
O. F. Bartlett,	do	East Troy,	Walworth,
H. M. Beecroft,	do	Milwaukee,	Milwaukee,
C. J. Bell,	do	Johnson's Creek,	Jefferson,
Edward Boener,	do	Ashford,	Fond du Lac,
Theodore Bernhardt,	do	Watertown,	Jefferson,
R. G. Colley,	do	Beloit,	Rock,
John Crawford,	do	Milwaukee,	Milwaukee,
John W. Davis,	do	Fox Lake,	Dodge,
F. Desnoyer,	do	Green Bay,	Brown,
N. M. Donaldson,	do	Waupun,	Fond du Lac.
James H. Earnest,	do	New Diggings,	Lafayette.
Edward Estabrook,	do	Plattville,	Grant.
William Eustis,	do	Oakland,	Jefferson.
George Fox,	do	Herman,	Dodge,
George Gary,	do	Oshkosh,	Winnebago.
W. I. Gibson,	do	Black River Falls,	Jackson.
Jackson Hadley,	do	Milwaukee,	Milwaukee.
T. Hagerty,	do	Franklin,	Milwaukee.
Samuel Hale,	do	Kenosha,	Kenosha.
William Hull,	do	Potosi,	Grant.
P. G. Harrington,	do	Sugar Creek,	Walworth.
Alexander Hart,	do	Lima.	Calumet.
C. R. Head,	do	Albion,	Dane.
Jesse Hooker,	do	Salem,	Kenosha.
F. W. Horn,	do	Cedarburg,	Ozaukee.
William Jeffrey,	do	Ellenboro,	Grant.
L. W. Joiner,	do	Wyoming,	Iowa.
A. C. Ketchum,	do	Portage City,	Columbia.
James H. Knowlton,	do	Shullsburg,	Lafayette.
James L. Kyle,	do	Manitowoc,	Manitowoc.
P. W. Lake,	do	Walworth,	Walworth.
Edward Lees,	do	North Prairie,	Waukesha.
P. Lavis,	do	Greenfield,	Milwaukee.

NAME.	OFFICE.	RESIDENCE.	
		NEAREST POST OFFICE.	COUNTY.
John Mathes,	Member of Assembly.	Rhine.	Sheboygan.
Peter W. Matts,	do	Montrose.	Dane.
F. McCormick,	do	Ashippun,	Dodge.
Samuel McCracken,	do	Marquette,	Marquette.
Walter D. McIndoe,	do	Wausau,	Marathon.
Abner Mitchell,	do	Spring Grove,	Green.
David L. Morrison,	do	Fort Atkinson,	Jefferson.
Archibald Nichols,	do	Mackford,	Marquette.
David Noggle,	do	Janesville,	Rock.
Nelson R. Norton,	do	Burlington,	Racine.
Edward O'Neil,	do	Milwaukee.	Milwaukee.
Harlow S. Orton,	do	Madison,	Dane.
Ruel Parker,	do	Portland,	Dodge.
Peter Parkinson, Jr.,	do	Fayette,	Lafayette.
C. H. Purple,	do	Brookfield Centre,	Waukesha.
Darius Reed,	do	Sullivan,	Jefferson.
W. Reinhardt,	do	Milwaukee,	Milwaukee.
C. C. Remington,	do	Baraboo,	Sauk.
C. I. Rich,	do	Vinland,	Winnebago.
Lewis Rood,	do	Hazel Green,	Grant.
A. Rosenthal,	do	Sheboygan,	Sheboygon.
Adam Schantz,	do	Addison,	Washington.
David Scott,	do	Waupaca,	Waupaca.
W. S. Spafard,	do	Geneva,	Walworth.
Joseph Spaulding,	do	Harmony,	Rock.
Jesse Smith,	do	Vernon,	Waukesha.
John Smith,	do	Caledonia,	Racine.
Isaac S. Tallmadge,	do	Fond du Lac,	Fond du Lac.
Wm. F. Terhune,	do	Viroqua,	Bad Ax.
J. L. V. Thomas	do	Beloit,	Rock.
M. J. Thomas.	do	Fond du Lac,	Fond du Lac.
John Toay,	do	Mineral Point,	Iowa.
John Tobin,	do	Granville,	Milwaukee.
Alfred Topliff,	do	East Hampden,	Columbia.
W. M. Torbert,	do	Hudson,	St. Croix
W. E. Webster,	do	Milwaukee,	Milwaukee.
Thomas West,	do	Raymond,	Racine.
M. M. Wheedon,	do	Ozaukee,	Ozaukee.
Nathaniel Wheeler,	do	Richland Centre,	Richland.
Andrew Whiting,	do	Richmond,	Walworth.
D. Worthington,	do	Summit,	Waukesha.
Charles S. Wright,	do	Racine,	Racine.
Milas K. Young,	do	Cassville.	Grant.
Philip Zimmerman.	do	Germantown,	Washington.

PRESIDING OFFICERS AND CLERKS.

NAME.	OFFICE.	RESIDENCE.	
		NEAREST POST OFFICE.	COUNTY.
James T. Lewis,.....	President of the Senate.	Columbus,.....	Columbia.
Benj. Allen, ...	Prest. pro tem of the Senate.	Hudson,.....	St. Croix.
Frederick W. Horn,...	Speaker of the Assembly.	Cedarburg, ...	Ozaukee.
Wm. Hull,.....	Speaker pro tem of the Assembly.	Potosi,.....	Grant.
Sam'l. G. Bugh,.....	Chief Clerk of the Senate.	Shullsburg, ...	La Fayette.
John M. Coe,.....	Asst. Clerk of the Senate.	Milwaukee, ...	Milwaukee.
Thos. McHugh,.....	Chief Clerk of the Assembly.	Madison,.....	Dane.
David McKee,.....	Asst. Clerk Assembly.	Potosi, ...	Grant.

GENERAL LAWS

OF THE

STATE OF WISCONSIN,

TOGETHER WITH THE MEMORIALS AND RESOLUTIONS.

Chap. 1.

AN ACT *to attach a part of the County of Chippewa to the County of Buffalo.*

Published, January 25, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. All that part of the county of Chippewa situated south of the township line between townships twenty-four and twenty-five north, and between the main channel of Chippewa river and the range line between ranges nine and ten west, is hereby set off from the said county of Chippewa and attached to the county of Buffalo, and shall hereafter constitute a part of the said county of Buffalo. Part to be attached.

§ 2. This act shall take effect and be in force from and after its passage.

Approved, January 24, 1854.

Chap. 2.

AN ACT *to organize the County of Trempe a l'eau.*

Published, January 30, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Boundary of county.

§ 1. All that portion of country embraced in the following boundaries, is hereby set off into a separate county to be called and known as the county of Trempe a l'eau, to wit: Beginning at the point on the Mississippi river where the line between townships seventeen and eighteen north, strikes said river; thence running east on said line to the main channel of Black river; thence up the main channel of Black river to the line between townships eighteen and nineteen north; thence east on said line to the range line between ranges six and seven west; thence north on said range line to the line between townships twenty-four and twenty-five north; thence west on said line and to the range line between ranges nine and ten west; thence south on said range line to Trempe a l'eau river; thence down the main channel of the Trempe a l'eau river to the Mississippi river; thence down the main channel of the Mississippi river to the place of beginning.

Election for Judge, when held.

§ 2. There shall be an election held in said county on the first Monday of September, 1854, for the election of a suitable person for county judge for said county, which election shall be conducted and the returns thereof made as now required by law for the election of county judges; and the judge so elected shall hold his office for the term of three years from and after the first day of January, 1855, and until his successor is elected and qualified.

County officers elected.

§ 3. At the general election to be held in the month of November, 1854, there shall be elected in said county, all proper county officers; which officers shall qualify as now provided by law, and enter upon the duties of their several offices the first day of January, 1855.

First board of Supervisors.

§ 4. The board of supervisors of the town of Monteville, in said county, shall have power to act as the board of supervisors of said county until other towns in said county shall be organized and elections therein held for town officers as now provided by law.

§ 5. The seat of justice in said county shall be, and the same is hereby located on the north-west quarter of section thirty-three, in township nineteen north, of range eight west. County seat.

§ 6. The said county of Trempe a l'eau is hereby attached to the county of LaCrosse for judicial purposes, until the first day of January, 1855, after which time the said county shall be fully organized for judicial purposes and shall be attached to the sixth judicial circuit. Attached to La Crosse county for judicial purposes.

§ 7. The county court for said county of Trempe a l'eau shall be held at the county seat thereof, on the first Monday of March, the first Monday of June, the first Monday of September, and the first Monday of December in each year, after said county is organized for judicial purposes as provided in this act. County Court, when held.

§ 8. This act shall take effect from and after its passage.

Approved, January 27, 1854.

Chap. 3.

AN ACT *to authorize Town Clerks to certify to the State Superintendent the amount of money assessed for the support of schools, and to provide for levying a tax in certain cases.*

Published, January 30, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. Those towns that have not assessed by direction of the board of county supervisors, an amount equal to one-half the amount received from the school fund, shall and are hereby authorized to certify through the clerks of said towns, to the state superintendent, such additional amounts as have been assessed for the support of schools. When towns to certify, and for what.

§ 2. Those towns that have not assessed by order of the board of county supervisors, and in addition thereto a sum

To supply deficiency.

of money equal to one-half the amount received from the school fund, are hereby authorized to supply such deficiency by an immediate assessment upon the taxable property of said towns, such sum as shall be necessary; the same to be estimated and directed by the board of supervisors of the respective towns, to be levied and collected in the same manner as other taxes, and certified by the town clerk to the state superintendent, previous to the 5th day of March, 1854.

State Superintendent to apportion money.

§ 3. The state superintendent is hereby authorized to apportion to the different towns that comply with the requisitions of this act, such sums of money as they may be thereby entitled to.

§ 4. This act shall take effect from and after its passage and publication.

Approved, January 28, 1854.

Chap. 4.

AN ACT *to extend the time of the payment of interest on School and University Lands, and on School and University Funds.*

Published, February 3, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. That the time now required by law, by which the interest on school and university lands and school and university funds, shall be paid, is hereby extended to the fifth of March of each year.

§ 2. This act shall take effect from and after its passage.

Approved, February 1, 1854.

Chap. 5.

AN ACT *to amend chapter twenty-seven of the Revised Statutes.*

Published, February 8, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. Amend chapter twenty-seven of the revised statutes, section twenty, so as to read, "said medical society shall be entitled to admit permanent members in accordance with its constitution and by-laws." Act amended.

Approved, February 2, 1854.

Chap. 6.

AN ACT *to amend section fifty-four of chapter ninety-eight of the Revised Statutes.*

Published, February 8, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. Section fifty-four (54) of chapter ninety-eight (98) of the revised statutes, is hereby so amended as to read as follows: Act amended.

Printed copies of the statute laws, and all acts and resolves of the legislature of any state or territory of the United States, if purporting to be published under the authority of their respective governments, or if commonly admitted and read as evidence in their courts, shall be admitted in all courts in law and equity, and on all other occasions in this state, as *prima facie* evidence of such laws, acts, and resolves; and hereafter it shall not be nec- Copies of laws to be received as evidence.

essary to set forth the same by plea or otherwise; but such statutes, laws, acts, or resolves, may be given in evidence under pleadings and obligations (*allegations*) in the usual form in all courts in this state.

§ 2. This act shall take effect and be in force from and after its passage and publication.

Approved, February 2, 1854.

Chap. 7.

AN ACT *to organize the county of Dunn.*

Published February 9, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Boundary.

§ 1. All that portion of country embraced in the following boundaries, is hereby set off into a separate county, to be called and known as the county of Dunn, to wit: beginning in the Mississippi river at the mouth of Rush river, thence running east on the south line of Pierce county to the south-east corner of said Pierce county; thence north on the east boundary line of Pierce and St. Croix counties to Polk county; thence east on the township line between township thirty-one and thirty-two north, to the range line between ranges ten and eleven west; thence south on said range line to the township line between townships twenty-four and twenty-five north; thence west on said township line to the Chippewa river; thence down the centre of the main channel of Chippewa river to the Mississippi river; thence up the centre of the main channel of the Mississippi river, to the place of beginning.

Attached to Chippewa for judicial purposes.

§ 2. The said county of Dunn is hereby attached to the county of Chippewa for judicial purposes.

§ 3. At the general election to be held in the month of November, 1854, there shall be elected in said county the proper county officers for county government, (not including clerk of the circuit court nor county judge,) which of-

ficers so elected, shall qualify as now provided by law, and enter upon the duties of their several offices the first day of January, 1855.

§ 4. The seat of justice in said county shall be and the same is hereby located at Colburn's at or near the Ferry across Red Cedar river, near its mouth in said county. *Provided*, That the electors in said county may, at the next general election, by vote, change the location of said county seat to any other point in said county, by a majority of the vote polled at said election. Location of county seat. Proviso.

§ 5. This act shall take effect from and after its passage.

Approved, February 3, 1854.

Chap. 8.

AN ACT *to provide for the collection and appropriation of five per cent. returned on the delinquent tax list.*

Published, February 10, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. That section seventy of chapter fifteen of revised statutes shall be so construed as to require the several town treasurers in this state to return with their delinquent list to the county treasurers the five per cent. allowed by law for collection fees, and the five per cent. on the delinquent tax list returned by the town treasurers to the county treasurers as collectors' fees, shall be collected by the county treasurers in the same manner that other delinquent county taxes are collected, and in like manner appropriated. How act construed.

§ 2. That all moneys previously so collected and now remaining in the hands of the county treasurers, shall be paid to the order of the county board of their several counties, the same as other county funds. Money to be paid out.

§ 3. This act shall be printed immediately after its passage, and when so printed shall be in force.

Approved, February 9, 1854.

Chap. 9.

AN ACT *to amend an act entitled "an act to amend chapter forty-one of the Revised Statutes, approved April* 2, 1853."

Published, February 11, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Act amended.

§ 1. The act to which this is amendatory is hereby amended by striking out the words, "not within the municipal jurisdiction of and such city or town."

§ 2. This act shall take effect from and after its passage and publication.

Approved, February 9, 1854.

Chap. 10.

AN ACT *to divide LaPointe county and create the county of Douglass.*

Published, February 11, 1854.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Boundary of county.

§ 1. All that portion of country now embraced in LaPointe county, lying and being west of range nine (9) west, shall be and is hereby set off into a separate county to be called and known as the county of Douglass.

Election when held.

§ 2. There shall be an election held in the several towns and precincts such as now are or may be hereafter established by law, on the first Tuesday in April, A. D. 1854, for the election of all such town officers as the said county by virtue of its organization and privileges of this act

shall be entitled to, who (said town officers) shall severally hold their town offices one year, and until their successors are duly qualified.

§ 3. There shall be an election of all the county officers except county judge in said county, at the next general election holden in November, A. D. 1854, and the officers so elected shall hold their respective offices two years from the first day of January, A. D. 1855, except county judge, and until their successors are duly qualified; and such election shall be conducted in all respects, in the manner now provided for holding the same under the law regulating general elections; and the votes cast at the same shall be returned and canvassed as therein provided and the judges of said election shall issue certificates of election to any person duly elected under the provisions of this act. **Election of county officers, &c.**

§ 4. That the county seat of justice of the said county shall be located on section thirty, town forty-nine north, range thirteen, west of the fourth meridian, at or near the mouth of St. Louis river. *Provided*, That the said county may, at a general election hereafter duly called, alter said location by a majority of all the legal voters of said county, present at such election for the same. **County seat located.** **Proviso.**

§ 5. From and after the twenty-fifth of November, A. D. 1854, the said county may be organized for judicial purposes; the circuit court shall be holden on the first Monday in June and the first Monday in December in each year. **When may organize for judicial purposes.**

§ 6. The county court for the said county shall be held as follows: on the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October of each year. **Time of holding court.**

§ 7. There shall be elected in said county, on the first Tuesday in April A. D. 1854, a county judge, who shall hold his office two years, and until his successor shall be duly qualified, and shall enter upon the duties of his office, immediately after notice given of his election. *Provided*, Nothing in this section shall be construed to prevent the county judges elected thereafter, from holding their office as is now provided by law. **Election of county judge.** **Proviso.**

§ 8. All acts or parts of acts, that conflict with this act are hereby repealed.

Approved, February 9, 1854.

Chap. 11.

AN ACT *to amend section twenty-nine of chapter one hundred and thirty of the Revised Statutes.*

Published, February 11, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Act amended.

§ 1. Section twenty-nine of chapter one hundred and thirty of the revised statutes is hereby amended so as to read as follows: In all cases of appeal from a justice of the peace, in civil actions, the party recovering judgment shall recover costs. *Provided, however*, If a party appeal from a judgment in his own favor, and in the appellate court shall not recover a larger judgment exclusive of costs, than in the court below, he shall not recover costs, but shall pay costs to the opposite party.

Proviso,

Approved, February 9, 1854.

Chap. 12.

AN ACT *to amend chapter* 153 *of the Revised Statutes.*

Published, April 21, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

L. 57 p. 87

Charges for maintenance of convicts to be paid by State.

§ 1. Section three of chapter 153 of the Revised Statutes is hereby amended so as to read as follows, viz: All charges for maintaining convicts who have been sentenced to confinement in the state prison shall be paid out of the state treasury yearly; the accounts of the keeper being first verified by his oath and presented to the board of supervisors of the county where the convict shall be confined, and certified to by them to be correct and just, and

a proper charge against the state, and the expenses for maintaining persons charged with offences, and duly committed for trial, and of those who are sentenced to confinement in the county jail, or who may be committed for the non-payment of any fines, and expenses for safe keeping all prisoners in said jail, shall be paid out of the treasury of the county; the accounts of the keeper being first allowed by the board of the county supervisors. *Provided*, That the state or any county shall never pay more than two and a half dollars per week for the support of any person confined as aforesaid.

Proviso.

§ 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

§ 3. This act shall take effect from and after its publication.

Approved, February 11, 1854.

Chap. 13.

AN ACT *to divide the sixth Judicial Circuit and organize an eighth Judicial Circuit, and to fix the time for holding the Circuit Courts in the Counties of the respective circuits.*

Published, March 6, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. From and after the first day of January, in the year eighteen hundred and fifty-five, all that portion of this state included within the counties of Chippewa, Dunn, Pierce, St. Croix, Polk, LaPointe, and Douglass, shall constitute and be a separate judicial circuit, to be known and designated as the eighth judicial circuit; and all that portion of this state included in the counties of Crawford, Bad Ax, LaCrosse, Monroe, Jackson, Clark, Trempe a l'eau and Buffalo, shall continue to be the sixth judicial circuit.

Eighth Judicial Circuit, how constituted.

§ 2. The terms of the circuit court in the several coun-

Terms of Court when holden.

ties of the eighth judicial circuit after its organization, shall be holden at the times following, to wit:

In the county of St. Croix on the fourth Monday of April and fourth Monday of October of each year.

In the county of Pierce on the fourth Monday of March and fourth Monday of September of each year.

In the county of Polk on the second Monday of April and second Monday of October of each year.

In the county of Chippewa on the second Monday of March and the second Monday of September of each year. The county of Dunn shall be attached to the county of Chippewa for judicial purposes.

In the county of Lapointe on the first Monday of February and the first Monday of August of each year.

In the county of Douglass on the third Monday of February and the third Monday of August of each year.

Time of holding election.

§ 3. An election shall be holden in said eighth judicial circuit for the election of a judge of the circuit court thereof, in the several counties and precincts, on the fourth Monday of September next; such election shall be conducted and the votes canvassed in the same manner as at general elections for state and county officers. The inspectors or judges of said election shall make returns thereof to the clerk of the board of supervisors of their respective counties, immediately after the same are canvassed, and the said clerks of the board of county supervisors shall file the same in their offices, and forthwith transmit a copy thereof to the governor of this state.

Canvassing returns.

§ 4. On the first Monday of November next, the governor, with the secretary of state and treasurer, shall proceed to canvass said returns; and the person having the highest number of votes for said office, cast in said circuit shall be the judge elect of said eighth judicial circuit, and the governor shall transmit to the person so elected a certificate of his election under the seal of the state; and in case there shall be a tie, the governor shall forthwith proclaim the fact and order a new election in said circuit.

In case of tie.

Oath of Judge.

§ 5. The judge elect, before he enters on the duties of his office, shall take and subscribe the following oath or affirmation: "I, ————, do solemnly swear, (or affirm as the case may be,) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and that I will administer justice without respect to persons, and will faithfully and impartially

discharge the duties of the office of judge of the circuit court of the state of Wisconsin, according to the best of my ability." Such oath or affirmation shall be duly certified by the officer administering the same, and by said judge filed in the office of the secretary of state.

§ 6. Said judge shall enter upon the duties of his office on the first day of January, in the year eighteen hundred and fifty-five, and shall hold his office for the term of six years, and until his successor is elected and qualified. He shall have all powers and jurisdiction conferred upon other judges of the circuit court of this state, and shall perform like duties, receive like compensation, and have the same rights and privileges.

When judge shall enter upon his term of office.

Powers and duties.

§ 7. From and after the first day of January, in the year eighteen hundred and fifty-five, the circuit court for the sixth judicial circuit shall be holden at the times and places as follows:

Time and places of holding court how regulated for 1855.

In the county of Crawford on the first Monday of March and the first Monday of September, in each year.

In the county of Bad Ax on the third Monday of March and the third Monday of September in each year.

In the county of Monroe on the fourth Monday of March and the fourth Monday of September of each year.

In the county of Jackson on the first Monday of April and the first Monday of October of each year. And the county of Clark shall be and is hereby attached to county of Jackson for judicial purposes.

In the county of LaCrosse on the second Monday of April and second Monday of September of each year.

In the county of Trempe a l'eau on the fourth Monday of April and fourth Monday of October of each year.

In the county of Buffalo on the first Monday after the fourth Monday of April and the first Monday after the fourth Monday of October in each year.

§ 8. The circuit court in and for the county of Crawford shall be holden on the second Monday of May, instead of the fourth Monday of March, as now required by law for the year eighteen hundred and fifty-four; and all writs, process, indictments, appeals, recognizances, or other proceedings whatsoever, made returnable to said March term of said court, and all adjournments, appearances, continuances, motions, and notices of any proceedings in the circuit court of the said county of Crawford, made or

Change in the county of Crawford.

taken to the said March term, shall be held to be to the May term aforesaid.

Time and place of holding court in 1854.

§ 9. The circuit court for the sixth judicial circuit for the year eighteen hundred and fifty-four, shall be holden at the times and places following, to wit:

In the county of Crawford on the second Monday of May and fourth Monday of September.

In the conty of Bad Ax on the second Monday of March and second Monday of September.

In the county of Chippewa on the fourth Monday of February and fourth Monday of August.

In the county of Jackson on the fourth Monday of March and the fifth Monday of October.

In the county of LaCrosse on the second Monday of April and the second Monday of October.

In the county of Buffalo on the third Monday of April and third Monday of October.

In the county of St. Croix on the fourth Monday of April and the fourth Monday of October.

In the county of Pierce on the fourth Monday of May and the second Monday of November.

In the county of Polk on the third Monday in May and the third Monday in November.

In the county of LaPointe on the first Monday of August.

In the county of Douglass on the second Monday of August.

In the county of Monroe on the third Monday of September.

Special terms.

§ 10. The judges of the sixth and eighth judicial circuits shall not be required to hold a special term of the circuit court in each county within their respective circuits, in each year, unless such judge shall be satisfied that there is official business for him to dispose of, necessary to be done; and that such special term will not interfere with the duties of his holding stated terms of the circuit court in such circuit; but said judges of the sixth or eighth circuit may hold a special term or an extra jury term of such court, agreeably to the provisions of the fourth and fifth sections of chapter eighty-three (83) of the revised statutes, any law to the contrary notwithstanding.

§ 11. This act shall take effect from and after its passage and publication; and the secretary of state shall forthwith transmit by mail a printed copy of this act to each of the clerks of the circuit courts within the organized counties mentioned in this act.

Approved, February 17, 1854.

Chap. 14.

AN ACT *to organize the County of Oconto for Judicial Purposes.*

Published, April 21, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. From and after the fourth day of July next, the county of Oconto shall be fully organized for judicial purposes, and shall enjoy all the rights and privileges appertaining to other counties so organized in this state. **When organized.**

§ 2. Said county of Oconto shall be and hereby is constituted a part of the fourth judicial circuit, and two terms of the said court shall be holden annually in said county, at the county seat thereof, to wit: on second Monday of July and the second Monday of January annually. There shall be four terms of the county court annually, to wit: On the first Monday in February, May, August and November. **Terms of court when held.**

§ 3. All writs shall issue and be made returnable as required by law in other counties, and all laws now in force applicable to the summoning and empannelling of jurors, shall be applicable to and be in force in the said county of Oconto. **Laws concerning writs &c., applicable to Oconto Co.**

§ 4. The qualified electors of said county shall on the second Tuesday in June, eighteen hundred and fifty-four, elect a sheriff, clerk of the court, and register of deeds, clerk of the board of supervisors, and county treasurer, who shall hold their offices until the first day of January, **First election of officers.**

eighteen hundred and fifty-five, and they shall also on the first Tuesday of May elect a county judge, who shall hold his office until the first day of January, eighteen hundred and fifty-five and until his successor is elected and qualified. At such election the votes given for such officers shall be returned and canvassed in the same manner as votes are returned and canvassed at a general election in other organized counties in this state.

Elections thereafter.

§ 5. After such first election, all county officers provided for by the law of this state, shall be elected in said county at the same time and in the same manner as is provided by law in other organized counties.

Supervisors to procure copy of records of Brown Co.

§ 6. The supervisors of the county of Oconto are hereby authorized and required to procure a copy of the records of Brown county, of mortgages, decrees, judgments, recognizances, or other matter relating to the said county of Oconto in any way whatsoever, and copies entered in the respective offices of Oconto county shall be of the like form and effect as if originally entered of record in said county. The expense incurred or made in transcribing said records shall be paid out of the treasury of Oconto county.

§ 7. This act shall take effect from and after its passage.

Approved, February 18, 1854.

Chap. 15.

AN ACT *to provide for paying the expenses incurred in appraising the Capitol Lands.*

Published February 24, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

When paid.

§ 1. Whenever the appraisers of the capitol lands shall file their return in the office of the Secretary of State, the expenses so incurred shall be paid by the State Treas-

urer, out of the general fund, according to the provisions of chapter twenty, and one hundred and seven, of the general statutes of A. D. 1853; *Provided*, That the expenses so incurred, shall be reimbursed out of the first sales of said lands.

Approved Feb. 21, 1854.

Chap. 16

AN ACT *to provide for an annual appropriation for the benefit of the State Historical Society.*

Published February 24, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. There is hereby annually appropriated, until the legislature shall by law otherwise direct, to the State Historical Society of Wisconsin, the sum of five hundred dollars, to be expended by said society in collecting, embodying, arranging, and preserving in authentic form, a library of books, pamphlets, maps, charts, manuscripts, papers, paintings, statuary, and other materials illustrative of the history of Wisconsin; to rescue from oblivion the memory of its early pioneers, to obtain and preserve narratives of their exploits, perils and hardy adventures; to secure facts and statements relative to the history, genius, progress, or decay of our Indian tribes; to exhibit faithfully the antiquities, and the past and present resources of Wisconsin; also to aid in the publication of such of the collections of the society, as the society shall from time to time deem of value and interest; to aid in binding its books, pamphlets, manuscripts and papers, and in paying room rent and other necessary incidental expenses of the society. But no part of such annual appropriation shall ever be paid for services rendered by the officers to the society.

Appropriation.

How expended.

Account of expenditure—how kept.

§ 2. It shall be the duty of the executive committee of the said State Historical Society of Wisconsin, to keep an accurate account of the manner of expenditure of the said sum of money hereby appropriated, and transmit the same, together with the vouchers therefor, to the Governor of this State, in the month of January in each year, to be by him laid before the legislature.

§ 3. This act shall take effect, and be in force from and after its passage.

Approved Feb. 21, 1854.

Chap. 17.

AN ACT *to repeal chapter seventy-nine of session laws of* 1853, *entitled an act concerning bills of exchange and promissory notes.*

Published April 23, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Act repealed.

§ 1. Chapter seventy-nine of the session laws of eighteen hundred and fifty-three, entitled "an act concerning bills of exchange and promissory notes," is hereby repealed; *Provided*, That this act shall in no wise effect any promissory note or bill of exchange due before this act shall take effect.

§ 2. This act shall take effect and be in force from and after it passage.

Approved Feb. 21, 1854.

Chap. 18.

AN ACT *concerning the State Library.*

Published February 24, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

§ 1. For the purpose of replenishing the State Library, there is hereby appropriated to His Excellency, William A. Barstow, Governor of this State, the sum of three thousand dollars, to be paid to him by the State Treasurer, out of any money in the treasury not otherwise appropriated. The aforesaid sum shall be expended for the purpose aforesaid, under the direction of the Governor, in the following proportions and order, viz: Two-thirds of the aforesaid sum shall be applied to the purchase of law books, as follows: 1st. Such of the reports of the Supreme Court of the United States, as are not in the library. 2d. Such of the reports of the several states as are not in the library, and of which some portions are therein. 3d. Such other reports and standard elementary and other works as the Governor shall think fit. The remaining third of the aforesaid sum shall be applied to the purchase of such other (and not law) books, as the State Librarian shall advise, and be approved by the Governor.

Appropriation.

How expended.

§ 2. The books aforesaid, shall be purchased and placed in the Library with all reasonable dispatch.

§ 3. This act shall be printed by the State Printer immediately after the passage thereof, and when so published shall take effect and be in full force.

Approved, February 21, 1854.

Chap. 19.

AN ACT *to provide for the purchase of stationery, for the next Legislature.*

Published April 25, 1854.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Halpin to purchase stationery.

§ 1. James Halpin, superintendent of public property, is hereby authorized to purchase all stationery necessary for the next legislature.

Appropriation.

§ 2. There is hereby appropriated out of any money in the treasury not otherwise appropriated the sum of twenty-five hundred dollars, as a contingent fund for the purchase of such stationery.

To give bond.

§ 3. The said James Halpin is hereby required to make out an account of the disposition of such fund to the proper committee of the next legislature and he is also required to give a bond in the sum of thirty-five hundred dollars to the state treasurer with surety, which bond shall be approved by the governor, for the faithful expenditure of the said sum of twenty-five hundred dollars, or so much thereof as may be necessary for the purpose mentioned in the first and second sections of this act. *Provided*, That before drawing any of said sum of twenty-five hundred dollars, the said James Halpin shall make and execute such bond to the state treasurer with two or more sufficient sureties to be approved by the governor. *And provided also*, That the purchase of stationery made by the said James Halpin, shall be by contract and said contract shall be let to the lowest bidder.

Provisos.

Approved Feb. 22, 1854.

Chap. 20.

AN ACT *to amend Chapter Eighteen of the Revised Statutes.*

Published February 27, 1854.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

State Superintendent made member of Board of Regents of University.

§ 1. The State Superintendent of Public Instruction and the Secretary of State shall, during their respective terms of office be *ex officio* members of the Board of Regents of the University of Wisconsin, in addition to the number now provided by law, and a majority of the board shall constitute a quorum for the transaction of business.

§ 2. This act shall take effect from and after its passage and publication.

Approved, February 24, 1854.

Chap. 21.

AN ACT *to increase the jurisdiction of the Dane County Court.*

Approved February 24, 1864.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Powers and Jurisdiction increased.

§ 1. The county court of the county of Dane, (in addition to the powers and jurisdiction conferred on county courts, by chapter eighty-six of the Revised Statutes) shall have and exercise powers, authority and jurisdiction, within said county (both at law and in equity,) equal to, and concurrent with the circuit courts of this State, (except in criminal cases) in civil cases, where the amount in

controversy shall not exceed the sum of twenty thousand dollars.

Judge may act at chambers.

§ 2. The judge of said court shall have the same powers and authority to act at chambers, in any matter within the jurisdiction of said court, as judges of the circuit courts now have in their respective circuits.

Appeals.

§ 3. Parties to causes shall have the same right of appeal, and writ of error, from said county court to the supreme court, as is now allowed by law from the circuit courts.

Juries.

§ 4. Juries in said court shall be drawn and empanneled in the same manner and upon the same terms as provided in sections sixteen and seventeen of chapter eighty-six of the Revised Statutes, and shall, in each case, consist of twelve persons.

Court Commissioner.

§ 5. The said county court shall have power to appoint in said county, one court commissioner, who may perform the same duties in relation to said court as court commissioners of the circuit courts are allowed to perform in relation to the circuit courts.

Fees of Judge.

§ 6. The fees and compensation of the judge of said court, shall be as provided for judges of county courts, in chapter one hundred and thirty-one of the revised statutes, except, that for all services in a cause wherein judgment is confessed by defendant, or cause disposed of without trial on the merits, on return of process, he shall receive two dollars; for all services on the trial of a cause without a jury, including the rendition of judgment, three dollars; for all services on the trial of a cause with a jury, including receiving and entering verdict and rendering judgment, or if the jury be discharged and a new trial ordered, or the cause otherwise disposed of, three dollars and fifty cents; for hearing a chancery cause and rendering the final decree therein, five dollars.

May make code of rules.

§ 7. The judge of said court shall have power to make and publish a code of rules to govern the practice and proceedings in said court, as he shall deem expedient.

§ 8. This act shall take effect and be in force from and after the first day of March next.

Approved, February 24, 1854.

Chap. 22.

AN ACT *concerning School Districts.*

Published February 29, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

§ 1. All taxes heretofore voted by any school district, pursuant to the provisions of chapter 19 of the revised statutes, or of the act approved March 29th, 1853, entitled "an act to amend chapter nineteen of the revised statutes of this state," are hereby declared legal for all purposes: and at any time within three months after this act shall take effect, any warrant heretofore issued for the collection of any such tax to the district treasurer may be renewed for thirty days, and may thereafter be again renewed, with the consent of the proper town superintendent; or the district clerk may issue a new warrant and tax list for the collection thereof, in cases where a warrant may have already been issued therefor, either to the district treasurer or town treasurer, on which the taxes have not been fully collected, and in cases where no warrant has been issued; and at any time within three months after this act shall take effect, it shall be lawful for any school district, at any special meeting legally called, to vote a tax for any purpose authorized by law; and the same proceedings shall be had upon all such warrants and to collect all such taxes mentioned in this section as are provided in said chapter nineteen, which for that purpose is hereby revived and declared to be in full force as the same was at the date aforesaid, any law to the contrary notwithstanding. The tax list in every such case shall be based upon, and as far as practicable correspond with the assessment roll or rolls of the town or towns in which the district lies, and which were equalized last and next prior to the time when the original warrant for the collection of such tax was issued, or shall be issued.

Taxes legalized.

Warrants heretofore issued may be renewed.

Base of tax list.

§ 2. In all cases where a warrant for the collection of any such tax as is mentioned in the preceding section

Provision for cases where tax has been paid.

has been issued, and any person or persons shall have paid or shall have had collected from his, her, or their property the whole or any portion of the tax therein appearing as assessed against him, her or them, or upon any property belonging to such person or persons, the amount so paid or collected shall be credited to him, her or them, by the treasurer of the school district upon being requested by such person or persons, and upon the production of proper evidence of such payment. The affidavit or receipt of a former treasurer or personal knowledge of the acting treasurer of such payment, shall be good evidence under the provisions of this section. A credit made upon request as herein before provided, shall operate as and is hereby declared to be a perpetual bar to any and all actions heretofore or which may hereafter be commenced by the person or persons thus credited and the same may be pleaded *puis darien* continuance, or otherwise, as the case may require; and the same be pleaded singly, or with any other proper plea to such action or actions.

Clerk to make certificate of amount of tax voted at last annual meeting.

§ 3. Hereafter, the clerk of each school district, shall, on or before the last Monday of November in each year, deliver to the town clerk of the town in which the district is situated, a certificate, verified by his affidavit, showing the amount of the tax voted at the last preceding annual meeting, and a list of all persons and corporations liable to a school district tax therein; or in case of a joint district, he shall deliver to the town clerk of each town in which any part of the district is situated a certificate so verified, showing the proportion of the tax to be assessed in that part of the district within such town, and the persons and corporations liable to a school district tax in that part of the district, which proportion shall be ascertained from the valuations contained in the last assessment rolls of the respective towns; and to enable the district clerk to ascertain the same, the town clerk of each such town, shall on demand, at any time after he has received the equalized assessment roll of his town, deliver to the district clerk of any such joint district, a certified statement of the valuation of real and personal property in that part of such district lying within his town, as the same appears from said assessment roll.

§ 4. The town clerk shall assess such tax, or the due proportion thereof, upon the real and personal property

liable thereto, placing the same in a separate column in the next assessment roll of his town, delivered to the town treasurer for collection whenever such certificate of the district clerk shall be received by him in time therefor, although after the last Monday of November. And if for any reason such tax shall not be assessed in the next assessment roll after the tax is voted, it shall be assessed in that of the next succeeding year. The tax shall, in all respects be collected or returned delinquent like other taxes, and when collected, the money shall be paid over to the town superintendent and by him to the district treasurer, like other school moneys.

Town Clerk to assess tax.

Further provisions.

§ 5. After three months from the passage of this act, the town clerk shall not be required to make out transcripts of the assessment roll for school districts; and sections two, three, and four of the act entitled "An act to amend chapter nineteen of the revised statutes of this state," approved March 29, 1853, are hereby repealed.

Sections of former act repealed.

§ 6. This act shall be published in the Weekly Argus and Democrat, printed at Madison, immediately after its passage, and shall thereupon take effect. The Secretary of State shall also forthwith, cause it to be published in each weekly newspaper printed in this state, and shall audit the accounts therefor, as provided in chapter one hundred and four of the general statutes of 1853.

Act to be published.

Approved Feb. 25, 1854.

Chap. 23.

AN ACT *to authorize the election of officers in Shawanaw county and to extend the jurisdiction of the same.*

Published April 29, 1854.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

§ 1. The qualified electors of the county of Shawanaw are hereby authorized to elect all officers to which said county is entitled at the annual town election in said

Repealed.

county on the first Tuesday of April next, and such officers shall hold their offices until their successors, who shall be elected on the Tuesday succeeding the first Monday in November, A. D. 1854, shall be duly elected and qualified.

§ 2. So much of section 3, of chapter 9 of the general statutes of 1853, as specifying the time for holding the first election in said county of Shauanaw is hereby repealed.

Towns attached.

§ 3. Towns twenty-eight, (28) twenty-nine, (29) and thirty (30) north of range fifteen (15) sixteen (16) and seventeen (17) east, are hereby attached to said county of Shauanaw for county purposes.

§ 4. This act shall take effect from and after its passage.

Approved Feb. 27, 1854.

Chap. 24.

AN ACT *for the protection of sheriffs, constables, marshals and other ministerial officers.*

Published April 10, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Penalty for resisting civil officers.

§ 1. Every person who shall knowingly resist any sheriff, deputy sheriff, constable, marshal, or other ministerial officer, while engaged in the lawful execution of any civil or criminal process issued by any court, body, board or officer, authorized to issue the same, or in lawfully doing any act as such officer; or who shall in any way knowingly and intentionally counsel, advise, or procure any other person or persons to resist any such officer, so lawfully engaged in the execution of such process, or in lawfully doing such other act as such officer, shall, for every such offence, be punished by imprisonment in the county jail not less than three months, nor more than two years, or by fine not less than five dollars nor more than three hundred dollars, or by both such fine and imprisonment, in the discretion of the court.

§ 2. This act shall take effect from and after its passage.

Approved Feb. 27, 1854.

Chap. 25.

AN ACT *to amend section thirty-seven, of chapter eighty four of the Revised Statutes.*

Published April 8, 1854.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

How amended.

§ 1. Section thirty-seven of chapter eighty-four of the revised statutes, of this state, is hereby amended so as to read as follows: A final decree of a court of chancery shall have the same operation, force and effect as a judgment at law, from the time of signing and docketing such decree, in the manner hereinafter provided.

Duties of Clerk of Court.

§ 2. The clerks of the circuit courts of the several counties in this state, shall immediately after the signing of a final decree obtained in a court of chancery, in the several counties in this state, enter in an alphabetical docket, in books to be provided and kept by him, a statement of such final decree, containing:

1st. The names at length of all the parties to such decree, designating particularly those against whom it is obtained.

2d. The amount of the decree, or the substance of what is required by the decree; to be done without the cost.

3d. The hour and day of entering such docket.

§ 3. If the decree be against several persons, such statement shall be repeated under the name of each person, against whom the decree was obtained, in the alphabetical order of their names, respectively.

Parties to call Clerk's attention to this act.

§ 4. It shall be the duty of the party, his or their solicitor, or counsellor, in whose favor a final decree shall have been obtained, to call the attention of the clerk to the provisions of this act and request him to docket such decree in the manner required by this act.

Final decree when docketed binding.

§ 5. A final decree of a court of chancery for the recovery, or payment of a sum of money when docketed as aforesaid from the time when an execution might by law be issued thereon, shall bind and be a charge upon lands,

tenements, real estate and chattels real, for the same period of time, and as though the same were a judgment, and not otherwise.

Act how construed.

§ 6. This act shall not be so construed as to prevent clerks of the circuit courts, in their respective counties, from docketing final decrees in the same books kept by them for the purpose of docketing judgments at law.

§ 7. This act shall take effect from and after its passage and publication.

Approved March 27, 1854.

Chap. 26.

AN ACT *to amend section* 36 *of chapter* 28 *of the Revised Statutes.*

Published, April 10, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. Section thirty-six (36) of chapter twenty-eight (28) of the revised statutes, is hereby amended so as to read as follows:

Power conferred on county superintendents of poor.

When any county shall have abolished the distinction between county poor and town poor, the same powers conferred and duties imposed in said chapter twenty-eight, on town supervisors as officers of the poor, shall be exercised by the county superintendents of the poor in such county and the same powers and duties shall also be conferred upon the county snperintendents of poor, as is conferred on town supervisors in cases of "bastardy," under chapter 31 of the Revised Statutes, and in any and in all cases where bonds are required to be given by said chapter 31, such bonds may be given to the county superintendents of poor of the proper county, and either the town supervisors or the county superintendents of poor may approve such bonds when the same is necessary.

§ 2. All acts and parts of acts contravening this act are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved, March 3, 1854.

Chap. 27.

AN ACT *to amend section fifty-one, of chapter eighty-eight, of the Revised Statutes.*

Published April 18, 1854.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

§ 1. At the time of the return of a summons in all cases where the defendant does not appear, the justices shall upon the application of the plaintiff without requiring cause to be shown, adjourn the case for such time as may be required, not exceeding one week, but if sufficient cause be shown on oath by plaintiff, his agent or attorney, the justice shall grant an adjournment for a longer time than one week, not exceeding ninety days.

§ 2. This act shall take effect and be in force from and after its publication.

Approved March 3, 1854.

Chap. 28.

AN ACT *relating to counties not duly organized for Judicial purposes.*

Published April 1, 1854.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

§ 1. If any county organized by act of the legislature for judicial or county purposes shall fail to organize as by law required for the term of one year from the passage of this act, it shall be attached and hereby is attached to the county which shall have been organized for judicial purposes for the longest period of time and which shall adjoin and form a part of the boundary of the county which shall have failed to become duly organized as by law required. And the town of such organized county

Where counties fail to organize.

forming a part of the boundary of the county not duly organized which shall have the least amount of taxable property of such town shall have power, and it is hereby made the duty of the supervisors, assessors, and collectors and treasurers of such town to levy, assess and collect a tax on all the taxable property in such unorganized county, equal to the same per cent. as shall be levied in such town upon property within the original boundary of such town, for town, school, county, state or other tax required by law to be levied and collected, any law to the contrary notwithstanding.

Collection of taxes, &c.

§ 2. Any county attached to another county for judicial purposes shall pay annually into the treasury of the county organized for judicial purposes, all costs and expenses incurred in prosecuting crimes and misdemeanors, perpetrated in said attached county or other county, proceedings and suits, out of the county treasury of the county so attached for judicial purposes, and it is hereby made the duty of the board of county supervisors of such county to provide a sum annually sufficient for that purpose, any law to the contrary notwithstanding.

Pay to counties to which it is attached, costs &c. of criminal trials.

§ 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1854.

Chap. 29.

AN ACT *to amend an act entitled an act to provide for the incorporation of Mutual Savings, Trust, Loan, and Building Associations, approved February 9th, 1850.*

Published April 8, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. Section one in said act is hereby so amended, that where the word "ten" occurs in the first line of said section it shall read "five."

§ 2. This act shall take effect and be in force from and after its publication.

Approved March 28, 1854.

Chap. 30.

AN ACT *concerning elections.*

Published, March 30, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. At any election for county judge, judge of the circuit court, or justice of the supreme court, a poll may be opened at any place duly designated therefor, according to the statutes of this state regulating general elections, and the votes given at such poll shall be canvassed and return thereof made in like manner as at the general election for county and state officers; any law to the contrary notwithstanding.

§ 2. This act shall take effect from its passage and publication.

Approved, March 11, 1854.

Chap. 31.

AN ACT *concerning judgments and executions issued thereon in the County Courts.*

Published, March 30, 1854.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

§ 1. The provisions of sections one hundred and eighteen, one hundred and nineteen, one hundred and twenty and one hundred and twenty-one, of chapter one hundred and two of the revised statutes, (sections 118, 119, 120 and 121, of chapter 102,) shall apply in all cases to judgments and writs of executions and all other proceedings

in the county courts, as fully and to all intents and purposes whatever, as to judgments, writs of executions, and proceedings in the circuit courts; any law to the contrary notwithstanding.

§ 2. This act shall be published and take effect upon its passage.

Approved, March 11, 1854.

Chap. 32.

AN ACT *to appropriate money for the construction of the South Wing of the State Prison, to authorize further letting of contracts, and to provide for rewarding convicts.*

Published, March 30, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation.] § 1. The sum of twenty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the construction of the south wing of the state prison, to be drawn and paid to the contractors as hereinafter provided.

Work let to lowest bidder. § 2. The state prison commissioner is hereby required to proceed to let to the lowest and best bidder the work which is not already under contract for the completion of the south wing of the state prison, to be made fireproof, by advertising at least fifteen days in the Madison Argus and Democrat, and the Milwaukee Sentinel, and Wisconsin, requiring the bidders to offer a certain price per day for all the convict labor at the disposal of the state, to be used on said work, and requiring the work to be finished on or before the first day of January, A. D. 1855; the bidders or contractors to be required to give good and sufficient sureties.

§ 3. It shall be the duty of the state prison commissioner, on the last Tuesday of March, 1854, and upon the

same day of each and every alternate month thereafter, to estimate the amount of labor done, and material furnished by the contractor or contractors towards the building of the south wing of the state prison, and he shall thereupon make certified statements of the same, one copy of which shall be given to the contractors, one retained and filed with said commissioner, and one transmitted to the governor, to be filed in the executive department, which certificates shall specify fully the kind and quantity of labor done, the price and value of the same as provided by the contracts, and the kind and quantity of material furnished, the price and value of the same as agreed upon in the contracts; from which amount shall be deducted the amount then due the state by the terms of such contracts, for convict and other labor and material furnished, and from the balance shall be deducted twenty per cent. of each estimate to be retained by the state as security, until the completion of the work, at which time the said twenty per cent. shall be due and payable, as herein provided for other payments.

Duty of State Prison Commissioner to estimate amount of work done.

§ 4. The governor shall within thirty days after the presentation or receipt of the estimates of the commissioner aforesaid, draw his warrant upon the state treasurer for the amount thereof due, as above provided, and pay the same to the contractors. *Provided*, That the said appropriation shall be paid to the contractors *pro rata*, in proportion to the aggregate amount of their contracts as estimated by the state prison commissioner; *And provided further*, That no more shall be paid to said contractors than appears to be due upon their estimates, after all the deductions are made, which are provided for by section three of this act.

Governor to draw warrant on State Treasurer.

Provisoes.

§ 5. All material and labor for the use of said building shall become the property of the state as soon as estimated, and shall be in the care and control of the state prison commissioner, who shall require the same to be used by said contractors for the use of said building, and for no other purpose.

Material and labor to become the property of the state.

§ 6. The said contractors are hereby authorized to offer a reward, through the commissioner, to convicts, for work which they may be willing to do over an amount that the said contractors may be willing to accept of the state as a day's work, and it shall be the duty of the state prison commissioner to receive any such money and credit the

Rewards for over work.

amount to the several convicts to whom it may belong, on a book kept for that purpose, which amount he shall pay over to each convict at the expiration of his term of confinement, or remit the same to their families or friends if they desire to have it done, and in case there shall remain in the commissioner's hands at the expiration of his term of office any money or moneys which is the property of convicts, the said commissioner shall pay such money or moneys to his successor, whose duty it shall be to keep and disburse the same as hereinbefore provided, and the said commissioner and his sureties shall be held accountable for moneys so received in the same manner that they would be, provided the said money was the property of the state, but in no case shall the said commissioner pay any money to convicts during their time of confinement.

Commissioner not to pay money to convicts during time of confinement.

Approved, March 11, 1854.

Chap. 33.

AN ACT *to amend Chapter* 128 *of the Revised Statutes.*

Published, April 8, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. That whenever judgments shall be entered against insolvent debtors pursuant to section twenty-one of chapter one hundred and twenty-eight of the revised statutes, the state tax thereon shall not exceed on all of such judgments the sum of one dollar, and the clerk's fees on such judgments and discharging the same pursuant to said chapter shall not exceed five dollars.

State tax shall not exceed $1 on such judgment.

§ 2. This act shall take effect and be in force from and after its passage.

Approved, March 16, 1854.

Chap. 34.

AN ACT *to prohibit the circulation of unauthorized Bank Paper.*

Published, March 23, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. No person or persons shall issue, pay out, or pass, and no body corporate shall issue, pay out or pass, or receive in this state as money, or as an equivalent for money, any promissory note, draft, order, bill of exchange, certificate of deposite, or other paper of any form whatever, in the similitude of bank paper, circulating as money or banking currency, that is not at the time of such issuing, paying out, passing, or receiving, expressly authorized by some positive law of the United States, or of some state of the United States, or of Canada, and redeemable in current gold and silver coin at the place where it purports to have been issued. **Unauthorized bank paper prohibited.**

§ 2. Any person who shall knowingly violate the provisions of the first section of this act, shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment in the county jail for a term of not less than one nor more than six months, or by such fine and imprisonment in the discretion of the court. **Penalty for violating the prohibition.**

§ 3. Any body corporate that shall violate any of the provisions contained in the first section of this act, shall forfeit all the rights, privileges, and franchises conferred by the charter of such body corporate, and shall also forfeit and pay for every such violation, for the use of the school fund of this state, the sum of five hundred dollars, to be recovered as an action of debt in any court of competent jurisdiction, in the name of the state of Wisconsin, on the relation of any person who may forfeit to and shall prosecute for the same; and any person being an officer, director, stockholder, or agent of such body corporate, who **Penalties for violation of this act by bodies corporate.**

shall in the name of such corporation, or otherwise violate any of the provisions of said first section, shall be subject to all the pains and penalties prescribed in the second section of this act, the same as if said violation had been committed in his individual capacity; and any such offence committed by any person named in this section may be prosecuted in any county of this state, where any of said paper may be found circulating.

Jurisdiction to try causes.

§ 4. Justices of the peace shall have full power and concurrent jurisdiction with the circuit court, to hear, try, and determine all misdemeanors arising under the provisions of this act, upon complaint on oath for that purpose made, by any person in the same manner, and with the same privilege of trial by jury to the accused, as provided in chapter eighty-nine of the revised statutes of Wisconsin.

Contracts—when void.

§ 5. All contracts that shall be made or entered into, of any kind whatever, the consideration of which, in whole or in part, shall consist of any such paper as is prohibited by this act, and all payments made in such unauthorized paper, are hereby declared null and void, and of no effect.

Act of 1853 repealed.

§ 6. An act entitled an act to prohibit the circulation of unauthorized bank paper, of the session laws of the year of our Lord one thousand eight hundred and fifty-three, approved April 2, 1853, and printed as chapter sixty-nine, is hereby repealed.

§ 7. This act shall be printed in the Daily Argus and Democrat and in the Daily State Journal, printed in Madison, in this state, immediately after the passage thereof, and when so printed shall take effect and be in full force.

Approved, March 16, 1854.

Chap. 35.

AN ACT *to divide the county of LaCrosse and organize the county of Monroe.*

Published, March 24, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. All that portion of the county of LaCrosse situate and lying west of the main channel of the Trempe a l'eau river, is hereby set off from the county of LaCrosse and attached to and hereafter shall constitute and be a part of the county of Buffalo. Portion set off.

§ 2. All that portion of the county of LaCrosse situate and being in range one east, and ranges one, two, three, and four west of townships fifteen, sixteen, seventeen and eighteen, is hereby set off and organized into a separate county, to be known and designated by the name of the county of Monroe. Portion organized.

§ 3. There shall be an election held in the said county of Monroe, on the first Tuesday of April next, and polls shall be opened at all precincts established on or before the first Tuesday of April next, shall be canvassed and return made thereof to the clerk of the board of supervisors of the town of Leon, who shall proceed to canvass the same as prescribed by law for the canvass of votes the same as prescribed by law for the canvass of votes for county officers, and shall issue certificates to such persons as shall receive the greatest number of votes for the offices respectively for town and county officers. There shall be elected at such election a county judge, who shall hold his office until the first day of January, in the year one thousand eight hundred and fifty-eight, and until his successor is elected and qualified. There shall also be elected three town supervisors, one to be designated as chairman of the board, who shall also be the board of county supervisors. Such electors shall also elect a sheriff, clerk of the circuit court, clerk of the board of county supervisors, register of deeds, surveyor, and coro- First election. Officers elected.

ner, and all other county officers required for the due organization of a county for county and judicial purposes.

County Supervisors.

§ 4. The county of Monroe shall constitute one town, and the board of supervisors shall be the board of county supervisors. Said board of county supervisors shall have power to divide the county into three or more towns, at any regular meeting of said board.

County seat.

§ 5. The county seat shall be located at the village of Sparta, in the town of Leon.

Writs, processes &c. where and how prosecuted.

§ 6. All writs, processes, appeals, suits, indictments, recognizances, and other proceedings whatsoever, now pending, or that shall be hereafter commenced, or pending before the Monday next after the first Tuesday of April next, in the county or circuit court of the county of La Crosse, shall be prosecuted to a final judgment, order, or decree, and execution may issue thereon; and such judgment, order or decree, may be carried into effect and enforced in like manner as if the counties of LaCrosse and Monroe were still but one county; and all executions. writs, process, or other proceeding, may be directed and carried into execution and effect as such court shall direct, any law to the contrary notwithstanding.

Approved, March 21, 1854.

Chap. 36.

AN ACT *concerning the election of Judges.*

Published March 23, 1854.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Election for judges, &c.

§ 1. Hereafter all elections for judges of the county and circuit courts, and for justices of the supreme court, shall be held on the day of holding the annual town meetings in the several towns in this state unless special provision is otherwise made for the first election of a county or circuit judge. The provisions of this section shall apply to cities. And hereafter the secretary of state, shall give at least twenty days notice of all judicial elections that may be about to take place; and if the election is for county judge, the notice shall be given in the county;

To apply to cities

if for circuit judge, in the circuit; and if for justice of the supreme court in the state at large; *Provided*, That no notice shall be required to be given of the election of circuit judge of the third circuit in April next.

When election held in counties where no judge has been heretofore elected.

§ 2. In counties and circuits where no judge has been heretofore elected, the first election (unless within the exception contained in the first section of this act) for judge shall be held on the first annual town meeting day after the taking effect of the law providing for such first election and of this act.

Manner of proceeding in case of vacancy.

§ 3. In all cases of vacancy, the election for judge or judges, justice or justices of the courts hereinbefore mentioned, shall be held on the first annual town meeting, day next after the vacancy shall happen, in case such vacancy shall happen twenty days before said annual town meeting day; and if no election shall then be held for such purpose, then, and in such case, and all other cases, the election shall be held on the annual town meeting day, until a judge or judges, justice or justices, shall, as occasion requires, be elected.

When term of office about to expire—Proceedings in that case.

§ 4. In all cases where the term of office of a judge or justice is about to expire, the election for such judge or justice shall be held on the annual town meeting day next prior to the time of the expiration of such term of office as fixed by law; and in case no such election is held, then such election shall be held on the annual town meeting day or on some subsequent annual town meeting day next after the expiration of such term of office.

Vote when challenged.

§ 5. Any male white person, or persons of Indian descent, offering to vote for county judge, circuit judge or justice of the supreme court, who shall be challenged as unqualified to vote for such officer by an inspector, or by any other person entitled to vote for state officers of this state, then, and in such case, some one of the board of inspectors shall declare to the person so challenged the qualification of an elector as provided in the constitution of this state. If therefore such person shall state that he is duly qualified, and the challenge shall not be withdrawn one of the inspectors shall tender to the person so challenged the following oath: "You do solemnly swear, (or affirm, as the case may be,) that you are twenty-one years of age; that you are a citizen of the United States, (or that you are of foreign birth, and that you have declared your intentions to become a citizen conformably to the

Form of oath.

laws of the United States on the subject of naturalization,) (or that you are of Indian blood, and that you have been declared by law of Congress to be a citizen of the United States, or that you are a civilized person of Indian descent, and not a member of any tribe,) that you have resided one year in the state, next preceding this election; that you have not voted at this election, and that you have not made any bet or wager, or become directly or indirectly interested in any bet or wager, depending upon the result of this election."

Penalty for voting illegally.

§ 6. If any person shall vote for a county judge, circuit judge, or justice of the supreme court, who is not at the time by law entitled to vote for state officers in this state, he shall forfeit therefor the sum of fifty dollars, to be recovered in an action of debt in the name of any person who will prosecute therefor.

§ 7. Any person, whether qualified or not qualified to vote for state officers of this state, who shall vote for a judge of the circuit court out of the circuit in which he resides, or who shall vote for a judge of the county court out of the county in which he resides, shall forfeit for every such offence or act the sum of fifty dollars, to be recovered in an action of debt in the name of any person who will prosecute therefor.

§ 8. Every person who shall vote more than once at any election for any of the aforesaid judges or justices, shall forfeit for every such act the sum of two hundred dollars, to be recovered in an action of debt in the name of any person who will prosecute therefor.

Laws relative to elections.

§ 9. All laws relative to elections now in force, and which are not inconsistent with the provisions of this act or repugnant thereto, shall govern the action of all officers in holding and conducting elections, and in canvassing and certifying the votes cast under the provisions of this act, and in stating and certifying the result of elections held as by this act declared.

§ 10. All laws contrary to the provisions of this act, or repugnant thereto, and not hereby preserved, are hereby repealed.

§ 11. This act shall be printed by the state printer, immediately after its passage, and when so published shall take effect and be in full force.

Approved, March 22, 1854.

Chap. 37.

AN ACT *to appropriate to John N. Jones, Post Master at Madison, a certain sum of money, and to authorize the Secretary of State to audit the further account of said Post Master for Postage.*

Published, April 1, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. There is hereby appropriated to John N. Jones, post master at Madison, three thousand five hundred and eighty-three dollars and sixty-nine cents, ($3,583 69,) in full for postage of members of the senate and assembly from January twelfth to March eleventh, in the year 1854, inclusive, to be paid out of the state treasury, out of any moneys not otherwise appropriated. Appropriation.

§ 2. It shall be the duty of the secretary of state to audit any further account of said post master, for the present session of the legislature, and when so audited and allowed, it shall be paid by the state treasurer on the order of the secretary of state, out of any money not otherwise appropriated. Sec. of State to audit account.

§ 3. This act shall take effect and be in force from and after its passage.

Approved, March 22, 1854.

Chap. 38.

AN ACT *concerning issues of fact in the Supreme Court.*

Published, March 31, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. The supreme court may order a jury in said court to consist of twelve men qualified to act as jurors in the circuit courts of this state, to come from any one or more May order jury.

counties, in all cases commenced in said supreme court either for the trial of an issue of fact therein joined or for the assessment of damages, or both, and in such order the court shall award a *venire* and fix the return day thereof and direct the same to such sheriff as the court in its discretion shall think fit. The name of the jurors shall be contained in the *venire*, and shall be obtained, struck from thirty-six names, and summoned, and the same proceedings had in all respects as to manner and form, as now provided by law for obtaining a jury in the county courts in this state, except so far as such provisions may be in conflict with the other provisions of this act.

Court shall order venire.

§ 2. The foregoing section shall not apply to cases of mandamus or writs of prohibition in the supreme court, but when in any such case an issue of fact shall be joined it shall be the duty of the supreme court to the circuit court for the county within which the material facts relative to such issue shall be alleged to have taken place, and shall be tried in such court in the same manner as other issues of fact are tried and returns shall be made thereupon, as directed by the supreme court.

Duty of court where issue of fact is joined.

§ 3. This act shall be printed by the state printer immediately after the passage thereof, and when so printed shall take effect and be in full force.

Approved, March 23, 1854.

Chap. 39.

AN ACT *concerning Suits in certain cases.*

Published, March 8, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. Any person or persons, body or bodies, having any debt, claim, or demand not sounding in tort against any foreign corporation or corporations created by or under the laws of any state government or country other than

Suits—against whom maintained.

this state, or against any one excepting corporations so as aforesaid created, but which has in whole or in part ceased to act as a body corporate from any cause whatever, such person or persons, body or bodies, may commence, maintain, and prosecute to final judgment, any appropriate action, and may enforce satisfaction of such debt, claim, or demand, out of any moneys, credits, effects, or property lying or being in this state and belonging to or owned by or in which any such corporation has an interest, or which would belong to or be owned by, or in which any such corporation has or would have an interest had the same not ceased to act as aforesaid, whether held, managed, or controlled by such corporation, or by a trustee or trustees, assignee or assignees, agent or agents, for the use and benefit in whole or in part, of such corporation or the creditors thereof, or for the use and benefit of both such corporation and creditors, however created, made, constituted, or appointed.

Institution of suit.

§ 2. The owner or owners of any such debt, claim, or demand, as aforesaid, may institute a suit for the recovery and enforcement of satisfaction thereof, by suing out of any circuit court of this state a writ of summons or attachment. The plaintiff or plaintiffs in all suits for the recovery of any such debt, claim, or demand as aforesaid, shall to the extent of the final recovery on such suits, in all cases have a lien by virtue of such suit upon all moneys, credits, effects, property and interest aforesaid, from the time an appearance to the action shall be or has been entered, by or on the part of the defendant, (which shall be such corporation by its corporate name,) unless such corporation or some one on its behalf, shall make to such plaintiff a bond in the penal sum of double the amount claimed to be due, executed by two or more sureties resident free holders of this state, who shall swear that they are each worth of real estate lying in this state and liable to execution, at least one-half of the penal sum therein named, over and above all debts and legal liabilities, which bond shall be conditioned to pay and satisfy the final judgment that may be rendered in favor of such plaintiff or plaintiffs, for debt or damages or for both damages and costs, within sixty days from the rendition of such judgment. The provisions of this section shall in no case effect or invalidate any lien created or acquired by the execution or extending a writ of attachment upon any mon-

Lien.

Not to effect any lien created by execution &c., on any property.

eys, credits, effects, property, or interest aforesaid, until such bond as aforesaid shall be filed with the clerk of, and be approved by the court in which the suit is pending. The judgment rendered in any such suit as aforesaid shall be a lien as in other cases, from the time of the rendition thereof.

Duty of officer to whom writ is directed.

§ 3. In all suits of attachment issued under the provisions of this act, the officers to whom the same is directed shall be commanded to attach the moneys, credits, effects, and property lying or being in this state, and belonging to or owned by or in which (naming the corporation,) has an interest, or which would belong to or be owned by, or in which (naming the corporation,) has or would have an interest, had the same not ceased to act as such corporation, or so much thereof as will satisfy the plaintiff's demand with costs, whether held, managed, or controlled by such corporation or by a trustee or trustees, assignee or assignees, agent or agents, for the use and benefit, in whole or in part, of such corporation or the creditors thereof, or for the use and benefit of both such corporation and creditors, however created, made, constituted, or appointed, and also to summon (naming the corporation,) to appear and answer to the plaintiff or plaintiffs in a plea of trespass on the case.

Writs—how served.

§ 4. Writs of summons and attachment as to the mandate to summon, may be served upon any officer of any such corporation as aforesaid, or upon any trustee, assignee, or agent aforesaid; and such service shall be as binding and effectual as personal service in suits between individuals in other cases.

To be like writs in other cases.

§ 5. The writs issued under this act shall conform as near as may be to the like writs in other cases, except in so far as is otherwise in this act provided.

All provisions of law to apply to suits commenced, &c.

§ 6. From the issuing of the writ under this act to final judgment and satisfaction, all the provisions of law shall apply to sales commenced or to be prosecuted under this act, so far as the same are consistent with and not repugnant to the provisions of this act, and no further.

Suits continued.

§ 7. All actions or suits heretofore commenced under the act entitled "an act concerning a writ of attachment, approved July 12, 1853," and printed or published as chapter 106 of the session laws of the year last aforesaid, shall be continued and proceeded with to final judgment and satisfaction, and shall be governed hereafter by the

provisions of this act, and the aforesaid chapter one hundred and six of the laws of the year last aforesaid, is hereby repealed, but the repeal aforesaid shall not effect or divest any right or lien accrued or acquired thereunder.

§ 8. This act shall be printed by the state printer immediately after the passage thereof, and when so published shall take effect and be in full force.

Approved, March 23, 1854.

Chap. 40.

AN ACT *for the encouragement of Agriculture and its kindred Arts in this State.*

Published, March 29, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. There is hereby annually appropriated, until the legislature shall by law otherwise direct, to the Wisconsin State Agricultural Society, the sum of three thousand dollars, to be expended by said society in such manner as it may deem best calculated to promote and improve the condition of agriculture, horticulture, and the mechanical, manufacturing, and household arts in this state, either for the payment of premiums at the annual cattle shows and fairs of the society, or in the purchase and distribution of choice seeds, cuttings, plants, or tubers which have been tested and found adapted to the soil and climate of this state, or in the prosecution of scientific investigations and experiments, and the collection and diffusion of information tending to develope the natural and agricultural resources of Wisconsin: *Provided*, That no part of the sums of money hereby appropriated shall be applied

Appropriation.

How expended.

Proviso.

either directly or indirectly to the payment of any salaries or fees of any of the officers of said society.

Accurate account of expenditures to be kept.

§ 2. It shall be the duty of the executive committee of said Wisconsin State Agricultural Society, to keep an accurate account of the manner of expenditure of the said sums of money hereby appropriated, and transmit the same, together with the vouchers therefor, to the governor of this state, in the month of January in each year, to be by him laid before the legislature.

Duty of executive committee.

§ 3. It shall also be the duty of the said executive committee of the Wisconsin State Agricultural Society, to collect, arrange, and collate all the information in their power in relation to the nature, origin, and preparation of soils, the cultivation and growth of crops, the breeding and management of stock, the application and character of manures and fertilizers, the introduction of new cereal and other grains, and other agricultural subjects, and report the same, together with a statement of their own proceedings, to the governor of this state, in the month of January in each year, to be by him laid before the legislature.

Time of paying appropriation.

Proviso.

§ 4. The sums of money hereby appropriated shall be paid to the treasurer of said society in the month of February in each year, upon the order of the president and secretary of said society. *Provided*, That in the present year the same shall be paid immediately after the passage of this act.

§ 5. This act shall take effect and be in force from and after its passage; and an act entitled "an act for the encouragement of agriculture and its kindred arts in this state," approved April 2, 1853, is hereby repealed.

§ 6. The fifth section of an act entitled "an act to incorporate the Wisconsin State Agricultural Society," approved February 9, 1853, is hereby repealed.

Approved, March 23, 1854.

Chap. 41.

AN ACT *concerning the terms of office of Judges of the several courts of this State.*

Published, March 30, 1854.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. The term of office of county judges, circuit judges and justices of the supreme court, shall be for such time as at present prescribed by law, and shall commence on the first Monday of each year, next after the election of such officer, unless otherwise specially provided. When terms shall commence.

§ 2. This act shall take effect from and after the passage and publication thereof.

Approved, March 23, 1854.

Chap. 42.

AN ACT *to amend chapter* 119 *of the Revised Statutes of this State.*

Published, March 28, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. Section thirty-three of chapter one hundred and nineteen of the revised statutes, is hereby so amended as to read as follows: The defendant, whenever he shall be entitled to return of the property replevied, instead of taking judgment for such return, as in said chapter provided, may take judgment for the value of his interest in the property replevied, in which case the value of such Act amended.

interest shall be assessed by the jury on the trial, or by a writ of enquiry, as the case may require.

§ 2. Section thirty-five of the chapter aforesaid, is hereby amended and the same shall be as follows:

When more than one party is interested in property replevined.

Whenever upon the trial of any action of replevin, it shall appear that one party has any interest in, or a lien or claim upon the property in question, or a part thereof to a part of its value only, and that the title or right of the property, subject to such interest, lien or claim shall be in the other party, then and in such case, the verdict and judgment shall be according to the rights of the parties, respectively.

§ 3. Section thirty-six of said chapter is hereby amended, and the same shall be as follows:

Jury in certain cases.

Whenever in an action of replevin, there shall be no trial upon an issue of fact, but it shall be suggested to the court, that one party has an interest in or a lien or claim upon the property in question, or a part thereof, to a part of its value only, and that the title or right of the property, subject to such interest, lien, or claim, shall be in the other party, then and in such case, the court shall empannel and swear a jury to inquire into the facts so suggested; and if the jury shall find the facts thus suggested in whole or in part only, their verdict shall be rendered accordingly, and judgment shall be rendered according to the rights of the parties respectively, as found by such jury.

Sections repealed.

§ 4. Sections thirty-five and thirty-six of chapter one hundred and nineteen of the revised statutes, and any and every law of this state, repugnant to or inconsistent with the provisions of this act, are hereby repealed.

§ 5. This act shall be printed by the state printer immediately after the passage thereof, and when so published shall take effect and be in full force.

Approved, March 23, 1854.

Chap. 43.

AN ACT *concerning Pleadings in certain cases.*

Published, April 10, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. In all actions founded upon contract express or implied, not under seal, and not depending upon condition or contingency before any portion of the sum claimed would or has become due; it shall not be necessary to declare specially, but it shall be sufficient for the party plaintiff to declare in the common money counts, and with such declaration to file a bill of particulars, setting forth therein in brief language, the subject matter upon which the action is based.

§ 2. This act shall be printed by the state printer immediately after the passage thereof, and when so published shall take effect and be in full force.

Approved, March 23, 1854.

Chap. 44.

AN ACT *to amend section thirty-three of Chapter sixteen of the Revised Statutes.*

Published March 29, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. Every person intending to pay any highway tax, assessed against him, or any part thereof in labor, and who shall, upon the notice required to be given by the overseer, appear and work agreeably to the dirction of

such overseer, shall be credited on his tax one dollar for every day he shall actually work eight hours on such highway, and fifty cents a day for every wagon, or plow, and seventy-five cents for each yoke of oxen, and one dollar twenty-five cents for each span of horses he shall furnish agreeably to the requirements of said overseer.

§ 2. So much of section thirty-three of chapter sixteen of the revised statutes as conflicts with the provisions of this act, is hereby repealed.

Approved, March 23, 1854.

Chap. 45.

AN ACT *to regulate the weight and measure of Flax Seed, Timothy Seed, and Potatoes.*

Published, March 31, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. Whenever flax seed, timothy seed, or potatoes shall be sold by the bushel, and no special agreement as to the measure or weight thereof shall be made by the parties, the measure thereof shall be ascertained by weight, and shall be computed as follows:

Fifty-six pounds for a bushel of flax seed; forty-six pounds for a bushel of timothy seed; and sixty pounds for a bushel of potatoes.

§ 2. This act shall take effect and be in force from and after its passage.

Approved, March 25, 1854.

Chap. 46.

AN ACT *to amend an act entitled "an act to divide the county of LaCrosse and organize the county of Monroe."*

Published, April 3, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. The act to which this act is amendatory shall take effect and be in force from and after its passage.

§ 2. This act shall take effect and be in force from and after its passage.

Approved, March 25, 1854.

Chap. 47.

AN ACT *to amend section* 3 *of chapter* 504 *of the Session Laws of* 1852.

Published, March 31, 1854.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

§ 1. Section three of chapter five hundred and four of the session laws of 1852, relating to printing, is hereby amended so as to read as follows:

Section 3. The advertisement shall require specifications in said bid, as follows: for all classes except blanks, the price of composition per 1000 ems; the price per token for press work; the price per quire of all paper used, specifying the size and quality thereof, and the price of

Specifications in bids for printing.

folding, stitching, and binding the same, in paste board covers, with sheep skin corners and backs; and for blanks, the price per quire, the contractor furnishing the paper and material for the same.

§ 2. This act shall take effect from and after its passage.

Approved, March 25, 1854.

Chap. 48.

AN ACT *to restore the provisions of section five of chapter* 148 *of the Revised Statutes, an act entitled an act of trials in criminal causes, to all causes of indictment for murder.*

Published, March 28, 1854.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

§ 1. Section five of chapter one hundred and forty-eight of the revised statutes, is hereby amended so as to read as follows: Any person who is put on trial for an offence which would have been punishable with death, before the punishment of death was abolished by the passage of chapter one hundred and three of the general acts passed by the legislature of Wisconsin in the year eighteen hundred and fifty-three, shall be allowed to challenge peremptorily twenty-four of the persons returned as jurors, and no more; and the prosecution shall be entitled to six peremptory challenges, and no more.

§ 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved, March 25, 1854.

Chap. 49.

AN ACT *concerning evidence in Insurance cases.*

Published, April 13, 1854.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

§ 1. Whenever an assessment is made on any premium note given to any mutual insurance company for any hazard taken by said company, or as a consideration for any policy of insurance issued or to be issued by said company, and action is brought for the recovery of such assessment, the certificate of the secretary of said company specifying such assesssment and the amount due to said company on such note, by means thereof, shall be taken and received as *prima facie* evidence thereof in all courts and places whatsoever. **Evidence of assessment.**

§ 2. A copy of the certificate of organization or of the articles of association of any incorporated company filed with the secretary of state in pursuance of any law of this state, duly certified, unless under the hand and seal of the secretary of state, shall be *prima facie* evidence of the incorporation of said company in all courts and places. **Evidence of incorporation of company.**

§ 3. This act shall take effect and be in force from and after its passage.

Approved, March 28, 1854.

Chap. 50.

AN ACT *to appropriate certain sums of money to the Wisconsin Institute for the Education of the Deaf and Dumb.*

Published, April 27, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. There is hereby appropriated to the Wisconsin Institute for the Education of the Deaf and Dumb the sum of two thousand dollars for the support of said institute **Appropriations.**

during the current year, and the sum of two thousand dollars for the erection of out buildings, fences and other needful fixtures, all of which shall be paid out of any money in the treasury not otherwise appropriated.

Further appropriation—

§ 2. There is hereby appropriated to the said Institute, the further sum of five thousand dollars for the erection of the east transverse wing of the Institute building according to the plan heretofore delivered to the Governor; one half of which shall be paid the present year, and one-half in the year eighteen hundred and fifty-five, out of any money in the treasury not otherwise appropriated.

B'd. of trustees, to give bonds.

§ 3. Before the receipt of the respective sums of money appropriated by this act, the board of trustees of said Institute, shall from time to time execute such bonds, and with such sureties as the Governor may require and approve, conditioned for the faithful application of such money to the objects specified in this act.

§ 4. This act shall take effect from and after its passage.

Approved, March 29, 1854.

Chap. 51.

AN ACT *to authorize the Secretary of State to audit certain accounts.*

Published, April 14, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Audit newspaper accounts.

§ 1. The secretary of state or his deputy is hereby authorized and required to audit the accounts of the several newspaper publishers of this state, for newspapers furnished the legislature during the present session, and also such other printed matter furnished in conformity with resolutions passed by the senate and assembly, or both, and to settle such accounts, allowing said publishers not exceeding the advertised rates of such papers by the year

and for printing in the German and Norwegian languages at 40 cents per 1000 ems for composition, and fifty cents per token for press work, and for folding, stitching, and binding, five cents per volume or copy. But nothing shall be paid for translation, and no account shall be audited for which in whole or in part an appropriation has been made.

Accounts to be verified by oath of publishers.

§ 2. Such accounts shall be verified to the secretary by the oath of such publishers, setting forth the names of persons to whom newspapers have been furnished, and the number so furnished to each, that the amount claimed for newspapers does not exceed the same rate at which said papers are furnished to regular subscribers at the office of publication, and that the account for printing in the German and Norwegian languages, folding, stitching, and binding, is strictly in accordance with the provisions of section one of this act relating to the same.

Secretary to draw warrants on treasurer.

§ 3. The secretary of state or his deputy is authorized to draw warrants on the state treasurer in favor of the respective publishers for the amounts found due them, and there is hereby appropriated out of any moneys in the treasury not otherwise appropriated, a sum sufficient to pay said drafts.

Wrappers.

§ 4. A sum not exceeding thirty cents per hundred for wrappers, when the publishers shall swear that the same have been furnished, may be allowed by the secretary of state or his deputy, and shall be included in the amount allowed, and paid for in the same manner as is by this act provided for the payment of newspapers and other printed matter furnished the senate and assembly.

Approved, March 30, 1854.

Chap. 52.

AN ACT *to provide for the issuing of executions for damages and costs in the Supreme Court.*

Published, April 13, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Taxing costs.

§ 1. That hereafter, on the rendition of judgment in the supreme court of the state for costs on writs of error or appeals in chancery,or on the rendition of judgment in said court for damages and costs on appeals in chancery, it shall be the duty of the clerk of said court, to tax the costs on such judgment as soon as may be, by the rules of said court, including in such taxation the costs of both parties, and upon request of the party obtaining such judgment, or his or her counsel or attorney, to issue execution, returnable in ninety days from the date of the issue against the other party, for all of said costs so taxed or for damages and all of said costs, if damages may have been adjudged.

Duties of Sheriff.

§ 2. The said execution shall be in favor of the said party obtaining judgment as plaintiffs in execution, and against the other party as defendant or defendants in execution; and may be directed to the sheriff of any county in this state, at the discretion of said plaintiff or plaintiffs, or his, her, or their counsel or attorney. And it shall bethe duty of any sheriff receiving such execution, to proceed forthwith to collect the same, as is now directed by law, and after the collection thereof or any part, the said sheriff shall forthwith pay the said costs over to the officers respectively entitled thereto as designated in the said taxation of costs; and as a discretion to said sheriff, the said clerk of the supreme court shall, in every instance, send with the execution issued by him a copy of said tax bill of costs. If only a part of said costs is collected, then the said sheriff shall pay pro-rata to said officers. If damages are embraced in any such execution, the same, when collected shall be paid over to the said plaintiff or plaintiffs in ex-

ecution, his, her or their counsel or attorney. When the said damages and costs, or costs only, are collected and paid over as herein directed, the said clerk shall enter satisfaction of said execution on the execution docket in his office.

Clerk to send copy of tax bill of costs with execution.

§ 3. This act shall take effect from and after its passage and publication.

Approved, March 30, 1854.

Chap. 53.

AN ACT *to appropriate certain sums of money to the Wisconsin Institution for the Education of the Blind.*

Published, April 13, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. There is hereby appropriated to the Wisconsin Institution for the Education of the Blind, the sum of three thousand five hundred dollars for the support of said Institute during the current year.

Appropriation.

§ 2. There is hereby appropriated to the said institution the further sum of twelve thousand dollars, for the construction of the certain main building of the Institution according to the plan of the same, one half of which shall be paid the present year, the remaining half in the year 1855, out of any money in the Treasury not otherwise appropriated.

Further appropriations.

§ 3. Before the receipt of the respective sums of money appropriated by this act, the board of trustees of said Institute shall from time to time execute such bonds, and with such sureties as the Governor may require and approve, conditioned for the faithful application of such moneys to the object specified in this act.

Board of trustees to give bonds, &c.

§ 4. This act shall take effect and be in force from and after its passage.

Approved, March 30, 1854.

Chap. 54.

AN ACT *to repeal an act entitled an act to increase the jurisdiction of the Dane County Court, Approved, February* 24, 1854.

Published, April 20, 1854.

Preamble.

Whereas, It appears by the report of the investigating committee composed of the committees on enrolled bills of the respective houses of the Legislature, that the bill was altered in a material respect, so as to change the tenor and meaning thereof, after and before its passage, and before its enrollment, *Therefore ;*

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows :

Repealed.

§ 1. An Act, entitled "an act to increase the jurisdiction of the Dane County Court," approved February 24, 1854, is hereby repealed.

§ 2. This act shall take effect from and after its passage and publication.

Approved, March 30, 1854.

Chap. 55.

AN ACT *to amend chapter* 134 *of the Revised Statutes, relative to injuries to personal property.*

Published, April 29, 1854.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows :

Misdemeanors defined.

§ 1. Any person who shall wilfully and without authority cut down or destroy, or shall injure by girdling or otherwise, any growing or standing timber or tree up on the private property of any individual or upon an

property held in trust or shall cut any timber or wood upon any such property, or take or carry or haul away therefrom any timber or wood previously cut or severed from such freehold or land, or who shall wilfully and without authority, dig or carry away any mineral, earth or stone from any such freehold or land, shall be deemed guilty of a misdemeanor.

Penalties fixed.

§ 2. Any person who shall be convicted of having committed any such offence in the day time, shall be punished by imprisonment in the common jail of the county, not less than ten days nor more than one year; or by fine not less than ten dollars, nor more than five hundred dollars, together with costs of suit. Any person who shall be convicted of having committed any such offence in the night time, shall be punished by imprisonment in the county jail not less than twenty days, nor more than two years; or by fine not less than twenty dollars, nor more than one thousand dollars, together with costs of suit.—Any person who shall be convicted of having committed in the day time, a second offence, shall be punished by imprisonment in the county jail not less than twenty days nor more than two years; or by fine not less than twenty dollars, nor more than one thousand dollars, together with costs of suit. And if the first conviction be for any such offence committed in the day time, and such second conviction shall be for an offence committed in the night time, or if the first conviction be for an offence committed in the night time, and the second conviction be for an offence committed in the day time, such person upon such second conviction shall be punished by imprisonment in the county jail not less than thirty days nor more than two years, or by fine not less than thirty dollars nor more than one thousand dollars together with the costs of suit; and if such second conviction be for an offence committed in the night time, such person shallbe punished by imprisonment in the county jail not less than forty days, nor more than two years, or by fine not less than fifty dollars, nor more than one thousand dollars, together with costs of suit. Upon all subsequent convictions of such offences, such offender shall be punished by both such fine, costs and imprisonment as last aforesaid.

Persons fined to be committed until its payment.

§ 3. If any person upon conviction of any offence mentioned in this act shall be adjudged to pay a fine, such person shall stand committed to the county jail until such

fine and cost shall be paid, or until he shall be discharged therefrom by due course of law.

§ 4. Section fifty (50) and Sec. (51) of chapter one hundred and thirty-four,(134) of the Revised Statutes are hereby repealed.

§ 5. This act shall be printed immediately after the passage thereof, and when so published shall be in full force and effect.

Approved, March 30, 1854.

Chap. 56.

AN ACT *to authorize the Secretary of State to audit a certain account.*

Published, April 14, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation.

§ 1. The Secretary of State is hereby authorized and required to audit the account of the person employed to classify, arrange, page, index and title page the original enrolled, private and local acts, resolutions and memorials of the Legislature of the State of Wisconsin, to be bound and preserved in his office. The person so employed shall receive the sum of three dollars a day for the time necessarily devoted to such work, and there is hereby appropriated out of any money in the treasury not otherwise appropriated, a sum sufficient to pay such account.

§ 2. This act shall take effect immediately.

Appproved, March 30, 1854.

Chap. 57.

AN ACT *to provide for the payment of the expenses of compiling the Documentary History of Wisconsin.*

Published, April, 19, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Appropriation—how disbursed.

§ 1. There is hereby appropriated to the Governor of this State the sum of eight hundred dollars out of any money in the state treasury not otherwise appropriated, out of which the Governor is hereby authorized and empowered to pay Wm. R. Smith from time to time, such sums as in his discretion he may think necessary and proper, to defray the expenses of compiling the documentary history of Wisconsin.

§ 2. This act shall take effect and be in force from and after it passage.

Approved, March 30, 1854.

Chap. 58.

AN ACT *relating to the duties of the State Prison Commissioner.*

Published, April 20, 1854.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Amounts due for extra labor by convicts to be estimated.

§ 1. The State Prison Commissioner is hereby required at the time when he estimates the work due by any contractor on the State Prison, to estimate and ascertain the amount due each convict under any agreement of any contractor to pay for extra labor of convicts as contempla-

ted by the act authorizing the awarding of convicts, &c., approved, March 11th, 1854, and said State Prison Commissioner shall make a certificate under his hand of the amount due said convicts, and each of them, and file one copy of such certificate in the State Prison, to be handed over to his successor in office; one copy in the office of the Secretary of State, and shall give one copy to the contractor from whom the amount is due to convicts. The amount so estimated and found due the convicts, shall be deducted from the estimated sum due the contractor from the State, whenever an estimate is made, and the Governor shall at the same time when he draws his warrant for the payment of any estimate to the contractor, draw his warrant, payable out of the appropriation in the act aforesaid made for the sum due to convicts from such contractor, aforesaid, and pay the same to the State Prison Commissioner, to be applied by him as directed in the act above mentioned.

Such amount to be deducted.

Not to contract for such work as convicts can advantageously do.

§ 2. The act aforesaid, entitled "an act to appropriate money for the construction of the south wing of the State Prison, authorizing further letting of contracts, and to provide for awarding convicts," shall not be so construed as to require the State Prison Commissioner to advertise for, or let contracts for any such work upon the prison, as the commissioner with the labor at his disposal can advantageously do; but the said commissioner may advertise for bids and let contract or contracts for such work as he cannot do advantageously, and for such material not already contracted for, as may be necessary for the completion of said south wing of said state prison. *Provided*, That if at any time, in the opinion of the Governor the interest of the state would be promoted by letting the work by contract to the lowest bidder, provided to be done by the state with convict labor, by this section, he may order the State Prison Commissioner to let the same by contract to the lowest bidder, as provided by the act above referred to, of March 11, 1854.

Proviso.

§ 3. This act shall take effect and be in force from and after its passage.

Approved, March 30, 1854.

Chap. 59.

AN ACT *to provide for a State Lunatic Asylum.*

Published, April 15, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. The governor is hereby authorized, and it shall be his duty, to appoint a board of commissioners, consisting of three persons, to select and purchase a suitable tract of land containing not less than one hundred nor more than two hundred acres, for the location of a state lunatic asylum: *Provided*, That if a site for such asylum suitable for that purpose in the opinion of the governor, and containing not less than one hundred acres, shall be donated for that purpose, or can be purchased for a sum not exceeding fifteen hundred dollars, then such asylum shall be located at or in the vicinity of the village of Madison, in Dane county.

Commissioners appointed.

Proviso.

§ 2. The conveyance of said land shall be to the state of Wisconsin, in fee simple, clear of all incumbrances, and on the execution and delivery of said conveyance, said commissioners being satisfied that no incumbrance exists on said land, shall draw their order on the state treasurer for the amount of the purchase money; which order shall be approved by the governor and countersigned by the secretary of state, and paid by the said treasurer out of any money appropriated by this act, not exceeding fifteen hundred dollars.

Such land to be granted in fee simple.

§ 3. The said commissioners are hereby further authorized, with the advice and consent of the governor, to cause to be erected upon the grounds purchased for that purpose, suitable buildings for the use and accommodation of said institution, which shall hereafter be called and known by the name of the Wisconsin State Lunatic Asylum; and also to make such other improvements upon and about the grounds, as they may think expedient and proper.

Commissioners authorized to erect suitable buildings.

§ 4. Such buildings shall be constructed in accordance with the plan of the Worcester Hospital for the insane,

Plan.

Proviso.

as recommended by the committee in their report to the senate: *Provided*, That said commissioners shall have power to make any alterations therein which they may think necessary, and which will not materially change said plan, or increase the cost of said building.

Vacancies in the board, how filled.

Governor to appoint Superintendent.

§ 5. The governor is hereby authorized to fill any vacancy in said board of commissioners, which may occur by reason of death, resignation, or refusal to act, and also to appoint a superintendent of said asylum who shall be a well educated physician, and who shall hold said appointment for the term of three years, and until his successor is appointed and qualified, unless sooner removed by the governor.

Superintendent to execute and file a bond.

§ 6. Such superintendent shall by virtue of his office be secretary of the board of commissioners, and shall before entering upon the duties of his office execute a bond, payable to the state of Wisconsin, in such sum and with such sureties as the governor may require and approve; which bond shall be filed in the office of the secretary of state, and shall be conditioned for a faithful discharge of all the duties required of him by law. It shall be the duty of the said superintendent under the direction of the board of commissioners, to superintend the erection of all buildings and the making of all improvements authorized by law. He shall also collect such information in relation to similar institutions as he may think proper, and lay the same before the board of commissioners.

Notice for sealed proposals for buildings to be published.

§ 7. As soon as the site for such asylum shall be conveyed to the state, the board of commissioners shall immediately publish a notice in at least six newspapers in this state and for six weeks successively, that sealed proposals will be received by them for furnishing materials and doing the work, for the erection of the asylum building, or such portion thereof as the commissioners may deem it advisable to have erected, specifying in such notice particularly the manner and time of the making and submitting of such proposals, and they shall award contracts for such materials and work to the lowest bidders therefor. With the advice and consent of the governor, they shall determine the time, the manner, and order in which the erection of all the buildings and work contemplated by this act shall be commenced, prosecuted, and completed, and adopt all necessary regulations therefor not inconsistent with this act.

§ 8. Every account for work done, materials furnished, services performed, or expenses incurred in or about such asylum, shall be made out against the Wisconsin State Lunatic Asylum, and shall contain a particular specification of each item thereof, and when so made out shall be filed with the superintendent of said asylum, who shall record the same in a book to be kept for that purpose, after which the same shall be laid before the board of commissioners for their allowance. Upon being satisfied of the correctness of such account, said board shall allow and certify the same to the secretary of state, who shall audit and direct the state treasurer to pay the amount thereof out of the appropriation made by this act, and the state treasurer shall pay the same and take receipts therefor in the same manner other appropriations are paid. Itemized account of expenditures to be kept.

§ 9. The said superintendent is hereby authorized to receive subscriptions and donations for the purposes contemplated by this act. Superintendent may receive subscriptions, &c.

§ 10. The aforesaid commissioners shall serve as such for the term of one year, unless sooner removed by the governor, and before entering upon the duties of their offices shall take an oath to faithfully perform all the duties required of them by this act. They shall hold stated meetings at least once a month, and as much oftener as business shall require, at the office of the superintendent, or such other place as they may appoint. They shall keep a record of their proceedings, and shall report the same to the legislature at the next session thereof, and shall receive two and a half dollars per day, while necessarily employed about the business of said asylum. Commissioners to take an oath. Monthly meetings, &c.

§ 11. The aforesaid superintendent shall receive twelve hundred dollars for the first year's service, and thereafter such sum as the legislature shall designate. Salary of Supt.

§ 12. There is hereby appropriated out of the state treasury the sum of fifteen thousand dollars, for the purpose of defraying the expenses incurred under the provisions of this act.

§ 13. This act shall take effect and be in force from and after its passage and publication.

Approved, March 30, 1854.

Chap. 60.

Published, March 31, 1854.

AN ACT *to increase the jurisdiction of the Milwaukee County Court.*

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Jurisdiction how increased.

§ 1. The county court of Milwaukee county, in addition to the powers and jurisdiction conferred on the county courts by chap. eighty-six of the revised statutes, shall have and exercise powers and jurisdiction within said county equal to and commensurate with the court of said county of Milwaukee in all civil cases where the amount in controversy shall not exceed the sum of five thousand dollars:

Proviso.

Provided, however, that nothing herein contained shall be so construed as to confer equity or criminal jurisdiction upon said court.

Parties have same right to writs of error.

§ 2. Parties to causes, shall have the same rights to writs of error from said county court to the supreme court as is now allowed by law from the circuit courts of this state.

Petit jurors.

§ 3. A panel of petit jurors for each term of said court shall be drawn in the same manner as now is or hereafter shall be provided by law for the circuit court of the said county, and the persons serving on such panels of petit jurors shall be paid at the same rate and in the same manner as is now or hereafter shall be provided by law for the payment of petit jurors in the said circuit court of Milwaukee county; and jurors for the trial of issues shall be drawn, empanneled and sworn in the same manner as in the circuit courts of this state, and the said county court shall have, exercise, and use the same process for summoning such petit jurors as is now or may hereafter by law be used by the circuit court of this state.

§ 4. The fees and compensation of the judge of said county court shall be as provided for judges of county courts in chapter one hundred and thirty-one of the revised statutes, except, that for all services in a cause wherein judgment is confessed by defendant, or cause disposed of without a trial on the merits on return of process, he shall receive two dollars; for all services on the trial of a cause without a jury, including the rendition of a judgment three dollars; for all services on the trial of a cause with a jury, including receiving and entering verdict and rendering judgment, or if the jury be discharged and a new trial ordered or a cause otherwise disposed of, three dollars and fifty cents for hearing. Fees of judge.

§ 5. The terms of said court shall be the same as now provided by law for the present county court of Milwaukee county: *Provided, however*, that there shall not be to exceed four regular terms for jury trials in each year, and they may be held in such months in the year as shall be designated from time to time by the judge thereof. *Provided further*, that no jury term of said court shall be held while the circuit court of said county is in session for jury trials. Terms of court. Proviso.

§ 6. The judge of said court shall have the same power to hold special or adjourned terms of his court as is now or hereafter may be conferred upon the circuit court of Milwaukee county. And the said county court shall have the same power to issue special venires and to summon talesman to serve upon juries therein as is now or hereafter may be conferred upon the said circuit court of Milwaukee county. May hold special or adjourned terms.

§ 7. All acts and parts of acts contravening the provisions of this act are hereby repealed.

§ 8. This act shall take effect and be in force from and after its publication.

Approved, March 30, 1854.

Chap. 61.

AN ACT *for the publication of the Documentary History of Wisconsin.*

Published, April 18, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Style of printing, &c.,

§ 1. The governor and secretary of state are hereby appointed commissioners to procure to be published so much of the Documentary History of this state as has been prepared for publication by Wm. R. Smith, in two volumes, on new and suitable type, and on good book paper, bound in the modern style of binding works of state history, with such notes, appendix, and index, as may be prescribed by the person appointed by said committee to superintend such publication. *Provided*, The cost of such publications does not exceed the sum of one dollar and thirty cents, ($1 30,) per volume.

§ 2. This act shall take effect from and after its passage.

Approved March 31, 1854.

Chap. 62.

AN ACT *providing for the appointment of a Bank Register.*

Published, April 19, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Copies of appointment filed

§ 1. The appointment of bank register shall be made under the hand and seal of the bank comptroller, and a copy of such appointment shall be filed in the executive office and in the office of the secretary of state.

§ 2. The bank register to be appointed by the bank comptroller, in pursuance of this act, shall, before he enters upon the duties of his office, take and subscribe the oath required by the constitution, and shall execute a bond to the state of Wisconsin in the penal sum of fifty thousand dollars, with not less than six sureties, who shall be resident freeholders of this state. Said bond shall be conditioned, approved, and preserved in the executive office in the same manner as is prescribed for the bank comptroller's bond.

Must subscribe oath and execute a bond.

§ 3. The said bank register shall perform the duties of book keeper and register, and such other duties as shall be required by the bank comptroller, and shall receive an annual salary of one thousand dollars, to be paid quarterly (as other state officers are paid,) out of the tax paid into the treasury by the banks.

Duties of bank register.

§ 4. If any bank register shall violate any of the provisions of an act entitled an act to authorize the business of banking, approved April 19th, 1852, he shall on conviction thereof be deemed guilty of a misdemeanor, and shall be punished by a fine not less than five thousand dollars, or be imprisoned not less than five years in the state prison, or by both such fine and imprisonment.

Penalty for violating the provisions of this act.

Approved, March 31, 1854.

Chap. 63.

AN ACT *to provide for procuring a Map of this State with the located lines of all Rail Roads in this State thereon.*

Published, April 27, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. The chairman of the railroad committee of the assembly is hereby authorized to procure to be made a map of this state, with all the new counties thereon, and he surveyed lines of all railroads chartered by this state,

Authorized to procure a map.

plainly designated in colors on said map, for the use of the legislature.

Appropriation.

§ 2. There is hereby appropriated to William Hull the sum of two hundred dollars, to be paid out of any money in the treasury not otherwise appropriated, for causing to be made the map, as provided in the first section of this act.

§ 3. This act shall take effect from and after its passage.

Approved, March 31, 1854.

Chap. 64.

AN ACT *in relation to the duties of County Treasurers.*

Published April 20, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To whom money to be paid.

§ 1. It shall be the duty of each of the county treasurers of this state to pay to the treasurers of the several towns in their respective counties, on demand, all moneys collected by them, whether by sale for taxes or otherwise upon the delinquent tax list of any town. *Provided*, They shall retain in the treasury the amount due from any to the county.

Proviso.

Approved, March 31, 1854.

Chap. 65.

AN ACT *to provide for the appointment of an Assistant Secretary of State and Assistant State Treasurer, and to prescribe their duties.*

Published, March 31, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. The secretary of state and state treasurer shall each have power, in their discretion, to appoint, each for his respective office, and under his hand and official seal, an assistant, who shall take the oath of office prescribed by the constitution, which shall be filed in the office of the governor, and who shall give such bond for the faithful performance of their duties to the officer appointing them, in such penal sum and with such conditions as their respective principals may prescribe; and such assistants may perform and execute all the duties of their respective principals, except as commissioner of the school and university lands, and as member of the board of regents; and for the faithful performance of all their official duties, the officer making such appointments and the sureties on his official bond shall be responsible; and the style of the said assistants shall be respectively, assistant secretary of state, and assistant state treasurer, and the office of deputy secretary of state is hereby declared to be merged in said office of assistant secretary. Duties of assistants.

§ 2. The said assistants shall each receive an annual salary of one thousand dollars, to be paid in the same manner as the salary of state officers, and the sum of two thousand dollars is hereby annually appropriated out of the state treasury to pay the same. Salaries.

§ 3. All acts providing for the appointment of a deputy secretary of state, and fixing the salary of such deputy is hereby repealed; and this act shall take effect from and after its passage.

Approved, March 30, 1854.

Chap. 66.

AN ACT *to amend the several laws of this State relating to the sale of Lands for taxes, and the manner of perfecting tax titles.*

Published April 3, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Acts revived.

§ 1. Section ten of an act entitled an act to amend chapter fifteen of the revised statutes, approved March 31, 1853, entitled, of the assessment and collection of taxes, is hereby repealed; and the sections of the revised statutes and parts thereof, and all acts and parts of acts repealed by said section ten, are hereby revived, re-enacted, and declared to be in full force and effect, and the provisions of the said act, approved March 31, 1853, not repealed by this act, are hereby also declared to be in full force and a cumulative remedy in perfecting the title to lands sold for the non-payment of taxes, and the holder or holders of any certificate of sale of lands sold for the non-payment of any tax or taxes, may at their option foreclose the tax lien created under any such sale, by bill in chancery, as provided by the said act, approved March 31, 1853, or the holder or holders of any such certificate of sale, after the three years for the redemption thereof shall have expired, may perfect the title to the land described in such certificate and sold for the non-payment of taxes and unredeemed, by filing the same with the officer authorized by law to execute deeds of land sold for the non-payment of taxes, who is hereby required to execute, acknowledge, and deliver such deed as provided by law, and when recorded in the office of the register of deeds of the proper county, shall rest in the grantee therein, all right, title, interest, and estate of the former owner or owners in fee in and to the lands so conveyed, and also all the right, title, interest, and claim of the state and county thereto; and the same shall be received as evidence with, and have in all other respects the force and effect in all

Holder of certificate may foreclose or file same with officer authorized to execute deeds at his option.

courts, as is or may be given by law to such deeds executed in pursuance thereof; nor shall the title conveyed by any deed of lands sold for the non-payment of any tax or taxes to the grantee therein, his heirs or assigns, be invalidated, or in any way effected or avoided by any error previously made in assessing, listing, taxing, selling or conveying said land, or in any other proceeding previous to the execution and delivery of such deed.

Section of an act repealed.

§ 2. Section five of an act entitled an act for the quieting of tax titles, approved April 19, 1852, is hereby repealed, and all other provisions of the said act, approved April 19, 1852, are hereby declared to be in full force and effect.

Form prescribed for tax deeds.

§ 3. All deeds of lands sold for the non-payment of taxes hereafter executed, shall be executed by the proper officer authorized by law to execute the same in the name of the state of Wisconsin, and of the proper county or city or incorporated town or village as the grantors therein, and shall be substantially in the following or other equivalent form: (*Provided*, The provisions of this section shall not apply to the foreclosure of tax certificates and liens in chancery, in which cases the court shall prescribe the manner and form of the deed to be made by the officer making the sale,) to wit:

To all to whom these presents shall come, greeting:

Whereas, (or assignee of) has deposited in the office of the clerk of the county board of supervisors of the county of in the state of Wisconsin, a certificate (or certificates) of the (here name the officer making the sale,) of said county, whereby it appears (as the fact is) that the following described piece (or pieces) or parcel (or parcels) of land lying and being situated in the county of to wit: (Here describes the lands) was (or were) for the non-payment of taxes sold by the (here name officer making the sale) at public auction at in the county of on the day of in the year of our Lord one thousand eight hundred and to the said for the sum of dollars and cents, in the whole, which sum was the amount of taxes assessed and due and unpaid on said tract (or several tracts) of land, together with the costs and charges of such sale, due therewith at the time of making such sale, the whole of which sum of money has been paid by the aforesaid purchaser (or purchasers.)

And, whereas, it further appears (as the fact is) that the owner (or owners) or claimant (or claimants) of said lands, has (or have) not redeemed from said sale, the lands which were sold as aforesaid; and said lands are now unredeemed from such sale, whereby said described lands have become forfeited, and the said purchaser, his (or her or their) heirs or assigns is (or are) entitled to a conveyance thereof.

Now, therefore, know all men by these presents, That the county of in said state, and the state of Wisconsin, in consideration of the said sum of money aforesaid, and the premises, and in conformity to law, hath, and hereby doth give, grant, and convey the tract (or several tracts) of land above described, together with the hereditaments and appurtenances to the said , and to his (or her or their) heirs and assigns, to their sole use and benefit forever.

In testimony whereof, I, the (here designate the officer) of the county of , have executed this deed pursuant to, and in virtue of the authority in me vested by the statutes of the state of Wisconsin, and for and on behalf of the said state, and of the county of aforesaid, have hereunto subscribed my name officially, and affixed the seal of the said (name it) at the in said county of this day of in the year of our Lord, one thousand eight hundred and .

[L. S.] A. B.
(here give official designation.)

Done in presence of

Seal. § 4. In all cases hereafter when a deed under this act shall be executed by the clerk of "county board of supervisors," or by the clerk of "the board of county supervisors," such deed shall have affixed thereto the seal of such board, as the case may be, which is hereby declared to be the corporate seal of the county.

Tax deeds. § 5. In all cases hereafter of conveyance of lands for non-payment of taxes due to any incorporated city or village in this state, under the provisions of the act or acts authorizing such city or village to assess and collect taxes, the deed executed shall conform as near as may be to the above form, shall be executed in the name of the state of Wisconsin, and in the corporate name of such city or village as grantor, and shall be sealed with the corporate seal of such city or village.

§ 6. Deeds of conveyance of lands for non-payment of taxes under the provisions of this act, shall be as valid and effectual to convey the lands therein described, as if the same had been executed by and in the name of the state of Wisconsin, in any manner or form whatever. Deeds thus made, valid as if executed in the name of the state.

§ 7. Hereafter all certificates of tax sale shall be substantially in the following form, to wit:

State of Wisconsin, } ss.
county, }

County Treasurer's Office, }
A. D., 18 . }

I, , county treasurer of the county of in said state, do hereby certify that I did, at public auction, pursuant to notice given as by law required, on this day of sell to A. B. (or to the county of ,) the lands herein described, for the sum of dollars and cents, said sum being the amount due and unpaid for taxes, interest, and charges on said lands for the year of our Lord one thousand eight hundred and , That the said A. B., his heirs or assigns, (or said county or assigns,) will therefore be entitled to a deed of conveyance of said lands in years from this date, unless sooner redeemed from such sale according to law. Said lands are described as follows, with the sums for which each tract was sold, set opposite such description. That is to say, (the east half of south-west quarter, section 1, town 1, north range 1, east, $10 00, according to the facts.) Form of certificate of tax sale.

A. B.
County Treasurer.

The above, or an equivalent form, is declared to be sufficient, and the same may be assigned by the purchsser writing his name in blank on the back thereof, and by the county treasurer in like manner, with his official character added.

§ 8. No deed shall be executed under the provisions of this act previous to the tenth day of April, in the year of our Lord one thousand eight hundred and fifty-four. Limitation.

§ 9. This act shall be printed by the State Printer immediately after the passage thereof, and when so printed shall take effect and be in full force.

Approved, March 31, 1854.

Chap. 67.

AN ACT *to provide for the appraisal of school lands in the counties of La Pointe and Douglass, and granting pre-emption rights thereon.*

Published, April 14, 1854.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Governor to appoint appraisers.

§ 1. It shall be the duty of the Governor, in his discretion, to appoint three suitable persons in each of the counties of La Pointe and Douglass, to appraise the school lands in said counties, as hereinafter provided.

Notice of appointment.

§ 2. It shall be the duty of the secretary of state, within ten days after the appointment of the appraisers mentioned in the first section of this act, to issue a notice of such appointment in writing, under the seal of the state, to the persons so elected. Said notice may be delivered in person to the person to whom it may be directed, or forwarded by mail to the post office nearest his residence, and in case any or either of the appraisers so selected neglect to notify the Governor of his having qualified, according to law, within thirty days after notice of his appointment, the governor shall proceed to make new appointment to fill such vacancy or vacancies and continue so to do until the number is full.

Appraisers to take an oath.

§ 3. The appraisers appointed under the foregoing section, shall before entering upon the duties of their office take and subscribe the oath or affirmation to be administered by some proper officer, to support the constitution of the United States and of this State, and to faithfully and honestly discharge the duties devolving upon them, as such appraisers according to the best of their ability, which said oath or affirmation shall be attached to their report, to be returned as hereinafter provided.

Shall personally inspect the lands.

§ 4. It shall be the duty of the appraisers, or a majority of them, upon receiving notice as provided in this act and after having taken the oath provided for in the third section of this act, to proceed to make a personal inspec

tion of all school lands situated in the county for which they were appointed, embraced in section sixteen in each township already surveyed, and in such townships as may hereafter be surveyed, during the year A. D., 1854, and to appraise the same in lots of the smallest sub-division, of sections, according to the United States survey, and laws relating to the sale of the public lands, stating the value per acre of each and every such lot at a fair valuation, without any reference to improvements thereon; they shall also return a particular description of all improvements made by any claimants upon any such, if any, with a full and fair estimate of the value of such improvements with the name or names of the person or persons claiming the same.

Report to be made to Secretary of State.

§ 5. After having inspected each and every sixteenth section mentioned in the foregoing section of this act situated in the county in which said appraisers were appointed, and within one year after their appointment, it shall be the duty of the said appraisers to make a full, distinct, and correct report to the office of the secretary of state, of all the lands within their respective counties, describing them by lots, with the value per acre as estimated by them, of each lot, also an estimate of the improvements on each, as before provided.

Compensation.

§ 6. The said appraisers shall be allowed for the services herein required of them, at the rate of two dollars and fifty cents per day for the time they may necessarily be engaged in the discharge of their duties as such apraisers, to be determined by their oaths; and a sum sufficient to pay the same is hereby appropriated out of the school fund to be paid by the state treasurer, upon the certificate of the secretary of state, stating the amount so due for such services, but no certificate shall be granted, until the appraisers shall have performed all the provisions of this act.

Pre-emption rights.

§ 7. After the lands shall have been so appraised and the appraisal duly reported to the office of the secretary of state, the same may be offered for sale, and the sale conducted according to the provisions of the revised statutes, or as may be hereinafter provided; but in all cases of pre-emptions under this act, the pre-emptor shall have the right to purchase, according to the provisions of this act.

§ 8. There is hereby secured to every person who at the time of the appraisal of any of the lands referred to

Pre-emptors.

in this act, shall be in the actual occupancy of any part thereof, either by residing thereon or by having improvements or works thereon, and used for agricultural or manufacturing purposes, the pre-emption right to purchase an amount of land not exceeding one hundred and sixty acres, embracing the improvements thereon to be selected by the claimants, in legal sub-divisions at the appraised value.

Duties of pre-emptors.

§ 9. Every person claiming any pre-emption right to any of the lands referred to in this act shall, within sixty days after the appraisal thereof, file in the office of the secretary of State, a notice stating the amount of land claimed,the lot or sub division thereof, and the time when his or her occupancy commenced, and whether said land is used for agricultural or manufacturing purposes. The truth of the matter set forth in the notice shall be attested to by two witnesses, and sworn to by the claimant.

Further duties.

§ 10. At any time before said lands are sold, any person or persons having complied with section nine of this act, and wishing to avail themselves of the provisons of section eight of this act, shall prove up their right to such pre-emption before the proper officers, by the affidavits of two or more disinterested witnesses, setting forth, in addition to the matter required to be set forth in the notice required by section nine of this act, that the claimant had, since the appraisal of such lands, been in the continued occupancy thereof, and was in occupancy thereof, at the time of making such proof, and shall at the time of sale comply with the same conditions and obligations imposed by law upon other purchasers of school lands, and in case of non-compliance with the terms hereof, shall foreit all right of pre-emption.

§ 11. No lands mentioned in this act shall be appraised or sold at a less sum than one dollar twenty-five cents per acre.

Approved, March 31, 1854.

Chap. 68.

AN ACT *to provide for the salary of the State Librarian.*

Published, April 19, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. That section six of an act entitled, an act to provide for the superintendence of the State Library for the purchase of the state library, for the purchase of books and for other purposes, approved March 15, A. D., 1851, is hereby so amended as to read as follows: The salary of the Librarian shall not exceed the sum of one thousand dollars per year, nor shall any extra amount be paid for any assistant librarian during any time that the legislature or the supreme court of the state of Wisconsin are in session or at any other time. Salary.

§ 2. The sum of one thousand dollars is hereby annually appropriated out of the state treasury to pay the salary of the said Librarian.

Approved, April 1, 1854.

Chap. 69.

AN ACT *to amend an act, entitled an act to authorize the Secretary of State to audit certain accounts, approved, March* 30, 1854.

Published, April 28, 1854.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. Section two of said act is hereby amended so as to clude newspapers furnished the President of the Sene, Sergeants-at-Arms, Chief Clerks, and each of their sociates of both houses.

§ 2. This act shall take effect and be in force from and ter its passage.

Approved, April 1, 1854.

Chap. 70.

AN ACT *to provide for defraying the contingent expenses of the State for the present year and to amend chapter 24 of the Revised Statutes, entitled of School and University lands.*

Published, April 21, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation.

§ 1. For the pnrpose of defraying the contingent expenses of the State for the present year, and of the several state officers, including stationery, postage, lights, furniture, and all other contingent expenses of the state, and of the several state officers, the sum of ten thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated to be drawn from the Treasury by and expended under the direction of the Governor, as the exigencies of the public service may require, and it is hereby made the duty of the Governor to cause to be transmitted to the legislature at its next session, a detailed statement of the expenditure of this appropriation.

Duties of Secretary of State.

§ 2. The duties required to be performed by the state treasurer by section forty-one of chapter twenty-four of the revised statutes, entitled of the school and university lands, &c., shall hereafter be performed by the Secretary of state, and it is hereby made his duty to open the accounts required to be kept by said section forty-one, from the commencement of the sale of the school and university lands, and bringing the same down to the present time in a systematic manner, if not already done, and shall hereafter keep such accounts properly entered and posted up as fast as they are made, as required by said section forty-one.

§ 3. The Governor, with the commissioners of the school and university lands, are hereby authorized and

empowered to re-organize the manner of conducting the sale of the said lands and of the keeping of the accounts of the funds arising therefrom in such a manner, as will in the opinion and discretion of the Governor simplify and reduce the same to a perfect system, and protect the state against errors, mistakes or frauds, and for that purpose he may establish such system, rules and regulations, as in his discretion he may deem necessary, not inconsistent with the constitution and laws of this state.

Governor, &c., authorized to regulate the sale of school and university lands.

Approved, April 1, 1854.

Chap. 71.

AN ACT *to provide for an increase of the salary of the Private Secretary of the Governor.*

Published, April 22, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. The salary of the private secretary of the governor is hereby fixed at one thousand dollars per annum, to be paid quarterly, in the same manner as other salaries are paid; and the said sum of one thousand dollars per annum is hereby appropriated for that purpose, to be paid out of any money in the treasury not otherwise appropriated, and the office of private secretary is hereby established.

Salary increased.

§ 2. So much of section eight of chapter nine of the revised statutes, as refers to the clerk hire of the executive department is hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved, March 31, 1854.

Chap. 72.

AN ACT *concerning Railroad Companies.*

Published, April 22, 1854.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Directors of Railroad company authorized to increase their capital stock.

§ 1. The directors of every railroad company organized, or which may be organized under any legislative enactment of this state, shall have power, and they are hereby authorized to increase the capital stock of their respective companies to an amount equal to, and not exceeding the entire cost of the road of such company, including the stocking and equipment thereof. And it shall not be necessary to make such increase at one time, but the same may be done by resolution at different times, as need or occasion may require.

No judge to be disqualified from sitting in suits to which company is a party because he is a stockholder.

§ 2. No judge of any circuit or county court, before whom any suit or matter shall be pending in which any railroad company is a party, shall be disqualified from sitting as a judge in such suit or matter, or from hearing, trying and deciding the same, for the reason that such judge is a stockholder in such railroad company.

§ 3. This act shall be printed by the state printer immediately upon the passage thereof, and when so published shall take effect and be in full force.

Approved, April 1, 1854.

Chap. 73.

AN ACT *to establish a State board of equalization of State tax, and to provide for levying a State tax for the year* 1854.

Published April 4, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Board of equalization.

§ 1. The governor, lieutenant governor, secretary of state, treasurer, attorney general, state superintendent, and bank comptroller of this state, shall be, and are hereby constituted a state board of equalization, for the purpose of equalizing the assessments of state tax upon the taxable property, both real and personal, in the several counties in this state, as returned to the said state board by the clerks of the several boards of county supervisors, as herein after provided.

Time fixed for assessments.

§ 2. It shall be the duty of the assessor, or assessors, authorized by law, to assess taxable property for state, county, and town purposes, in each town or in each ward, or city, or incorporated village in this State, to furnish to the clerk of the Board of Supervisors of the county in which such town, city or incorporated village may be, on or before the first day of August in each year, the original assessment roll complete, on real and personal property in said town, ward, city, or incorporated village, as made by said assessor or assessors, for the year in which such assessment is made. If such assessor shall fail or refuse to furnish such assessment roll as above provided, he shall be deemed guilty of a misdemeanor, and shall be finable in a sum not less than ten, nor more than fifty dollars.

Penalty in case of neglect.

Reviewing of assessment rolls.

§ 3. Section 31, of chapter 15, title 5 of the revised statutes is hereby so amended that the time within which the assessment rolls may be reviewed by the assessors or any other authority provided by law, shall in no event be extended beyond the twentieth day of July, next following the taking of the assessment.

Clerk of Board of supervisors to forward a statement to secretary of state.

§ 4. It shall be the duty of the clerk of the board of supervisors of each county in this state, to keep and file in his office such assessment rolls as may be returned to him by the assessor or assessors of the towns, cities, or incorporated villages in his county, he shall add up the amounts of the property assessed, both real and personal, the number of acres of land, and the value of village or city lots in his county; he shall also add up the total of personal property in said county, and shall keep the said rolls for the use of the board of supervisors of his county, for their action at their annual session, as provided by existing laws; and he shall also forward to the secretary of state, on or before the fifteenth day of August in each year, a statement showing the aggregate number of acres of land assessed in his county, and the value thereof; the aggregate value of personal property in said county; the average value per acre of the land, and city or village lots so assessed, which said statement shall be signed by said clerk and sealed with the official seal of the board of supervisors of his county; and shall be filed in the office of the secretary of state for the use of the state board of equalization.

Time of meeting of board of equalization.

§ 5. It shall be the duty of the state board of equalization, five of whom shall constitute a quorum, to meet in the office of the secretary of state on the third Monday of September in each year; the governor shall be ex-officio president, the secretary of state secretary of said board, and they shall then examine the aggregate valuation of the taxable property of the several counties of this state, as returned to the secretary of state, and for the purpose of ascertaining the amount of state tax to be applied in each county, for the current year shall increase or diminish the same in any county so much per centum as may in their opinion be necessary to produce a just relation between the valuation of the taxable property in the several counties, and the amount so added or deducted in each case, shall be entered in a book to be kept for that purpose, and they shall carry out in such book the amount of state tax to be charged against each county according to the said valuation so increased or diminished, and in no instance shall the aggregate valuation of all the counties be reduced below the aggregate valuation returned.

§ 6. If in any year the assessment roll of any town, or

ward, shall not be made out and returned, as provided in this act, there is hereby devolved upon the clerk of the board of supervisors the same power and authority to cause to be made out a tax list, and assessment from the last assessment roll, as is given to the county board of supervisors by section 35, chapter 15, of revised statutes for the purpose of carrying out the provisions of this act; and if any clerk of the county board of supervisors shall fail to forward the statement for his county, as provided in section four of this act, the state board of equalization shall have power, and they are hereby directed to make out a statement of the aggregates of real and personal property of said county, from the assessment for the next preceeding year, or if no such assessment be accessible, then from the best sources of information within their reach, and they shall proceed to assess to such county its proportion of state tax, the same as if a statement from the clerk of supervisors of such county had been duly returned.

In case of failure of assessment roll to be returned from any town.

§ 7. It shall be the duty of the secretary of state, to charge to the counties the amount of state tax assessed against them, respectively; which shall be paid into the state treasury as provided by law, and the secretary of state shall notify the clerk of the board of supervisors of each county in this state, on or before the first Monday of October, of the current year, and each succeeding year the amount of such tax charged against such county.

Sec'y. of state to charge to counties their amount of state tax.

§ 8. There shall be levied and collected for the year 1854, a state tax of two hundred and twenty-five thousand dollars, to be apportioned among, and assessed upon the several counties in this state, as herein provided, and levied upon the property real and personal in this state, according to the equalization to be made the present year by the state board; which tax shall be collected and paid into the state treasury as provided by law.

Amount of tax to be levied for 1854.

§ 9. The supervisors of the several counties in this state, are hereby required to levy the amount of state tax charged to their respective counties, as is provided in this act, upon the taxable property in their several counties according to the laws of this state, providing for assessment and collection of taxes.

Supervisors to levy tax as provided in this act.

§ 10. The secretary of state is hereby required, immediately after the passage of this act, to cause the same to be published by the state printer, in a newspaper printed

at the seat of government, and transmit to each clerk of the board of supervisors of the several counties in this state, a copy of the paper containing said act.

§ 11. Chapter 498 of the session laws of 1852, entitled an act to provide for the equalization of taxes in this state, and all acts and parts of acts conflicting or interfering with the provisions of this act are hereby repealed.

§ 12. This act shall take effect and be in force from and after its publication.

Approved, April 1, 1854.

Chap. 74.

AN ACT *taxing Rail Roads and Plank Roads.*

Published, April 10, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Railroad companies to make annual statement of gross receipts, &c.

§ 1. That the several railroad companies and plank road companies now organized or hereafter organized in this state, and completed in whole or in part, and being operated or used, shall on or before the tenth day of January in each year make out and return, or cause to be made out and returned to the treasurer of this state, a true and just statement of the gross earnings of their respective roads for the preceding year, up to the first day of January; which statement shall be verified by the affidavit of the secretary and treasurer of each respective company.

Shall pay tax, &c

§ 2. It shall be the duty of the said railroad companies and plank road companies to pay or cause to be paid to the treasurer of the state for the use of the state, on or before the tenth day of January in each year, a sum equal to one per centum of the gross earnings of their respective roads so returned, which amount of tax shall take the place and be in full of all of the taxes of every name and kind upon said roads, or other property belonging to said companies, or the stock held by individuals therein, and it

shall not be lawful to levy or assess thereupon any other or further assessment or tax for any purpose whatsoever; but when a railroad or plank road lies partly within this state and partly in another state or territory, the company shall pay such proportion of one per centum upon the gross earnings of the whole road so returned, as the length of that portion of the road within this state, bears to the whole length of said road.

Where railroad lies only partly in this state.

§ 3. If any railroad company or its officers shall fail to comply with the requirements of this act, such company shall forfeit to the treasurer of this state, for the use of the state the sum of ten thousand dollars, for each case of neglect, to be recovered in the name of the state treasurer by action of debt on this statute.

Forfeitures by railroad companies for neglect of provisions of this act.

§ 4. If any plank road company or its officers shall fail to comply with the requirements of this act, such company shall forfeit to the treasurer of the state for the use of the state, the sum of one thousand dollars for each case of neglect, to be recovered in the manner provided in the preceding section.

Forfeiture of Plankroad Co's.

§ 5. If any rail road or plank road company shall fail to make the return required by this act, the treasurer of the state shall ascertain, as near as may be, the gross earnings of such delinquent company, and assess thereupon the said one per centum. and shall seize and lay upon the whole or any part of the property, rights, and franchises of said company, and after giving ten days' public notice of the time and place of sale, shall proceed to sell at public auction the same, to satisfy the amount thereof, together with all costs and disbursements (to be taxed by the attorney general of the state,) incurred in making such assessments and sale thereof. *Provided, however*, That nothing herein contained shall be so construed as to defeat the right of the treasurer in behalf of the state, to sue for and recover the penalties prescribed in section three and four of this act.

Where companies fail to make returns. state treasurer to assess the one per cent.

Proviso.

§ 6. All acts or parts of acts conflicting with the provisions of this act, are hereby repealed, so far as the property mentioned in this act is concerned.

§ 7. This act shall be printed by the state printer immediately after the passage thereof, and when so published shall take effect and be in full force.

Approved, April 1, 1854.

Chap. 75.

AN ACT *to divide the second and third Judicial Circuits and organize the ninth Judicial Circuit, and to fix the time of holding the Circuit Courts in the Counties of said respective Circuits.*

Published, April 24, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Boundaries defined.

§ 1. From and after the first day of January, in the year eighteen hundred and fifty-five, all that portion of this state included within the counties of Sauk, Jefferson, and Dane, shall constitute and be a separate judicial circuit, to be known and designated as the ninth judicial circuit, and all that portion of this state included in the counties of Milwaukee and Waukesha shall continue to be the second judicial circuit; and all that portion of this state included in the counties of Columbia, Dodge, Marquette, Washington, and Ozaukee, shall continue to be the third judicial circuit.

Terms of court fixed.

§ 2. The terms of the circuit court in the several counties of Sauk, Jefferson, and Dane, after the organization of the said ninth judicial circuit, shall be holden at the time following, to wit:

In the county of Sauk on the first Monday in February and first Monday in September in each year.

In the county of Jefferson on the second Monday of March and second Monday of October in each year.

In the county of Dane on the first Monday of April and first Monday of November in each year.

First election in ninth circuit.

§ 3. An election shall be holden in said ninth judicial circuit for the election of a judge of the circuit court thereof in the several counties and precincts in said district, on the fourth Monday of September next. Such election shall be conducted and the votes canvassed in the same manner as at general elections for state and county officers. The inspectors or judges of said election shall

make returns thereof to the clerk of the board of supervisors of their respective counties, immediately after the same are canvassed, and the said clerk of the board of supervisors shall file the same in their offices, and forthwith transmit a copy thereof to the governor of this state.

Canvass of returns.

§ 4. On the second Monday of November next, the governor, together with the secretary of state and state treasurer, shall proceed to canvass said returns; and the persons having the highest number of votes for said office, cast in said circuit, shall be the judge elect of the said ninth judicial circuit, and the governor shall transmit to the person so elected a certificate of his election under the seal of the state; and in case there should be a tie, the governor shall forthwith proclaim the fact, and order a new election in said circuit.

Oath of Judge.

§ 5. The judge elect, before he enters on the duties of his office, shall take and subscribe the following oath or affirmation: "I, ——— ———, do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and that I will administer justice without respect to persons, and will faithfully and impartially discharge the duties of the office of judge of the circuit court of the state of Wisconsin, according to the best of my ability." Such oath or affirmation shall be duly certified by the officer administering the same, and by said judge filed in the office of the secretary of state.

Commencement of term of office.

§ 6. Said judge shall enter upon the duties of his office on the first day of January in the year eighteen hundred and fifty-five, and shall hold his office for the term of six years, and until his successor is elected and qualified. He shall have all the powers and jurisdiction conferred upon other judges of the circuit courts of this state, and shall perform like duties, receive like compensation, and have the same rights and privileges.

§ 7. This act shall take effect from and after its passage and publication, and the secretary of state shall forthwith transmit a copy of the same to each of the clerks of the circuit courts within the second and third judicial circuits.

Approved, April 1, 1854.

Chap. 76.

AN ACT *to provide for the publication of the General Statutes of each session of the Legislature.*

Published, April 24, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Provision for publication of general laws.

§ 1. It shall be the duty of the secretary of state to cause to be published in each weekly newspaper published within this state, all the public acts of general interest of each session of the legislature, as soon as may be after the passage of the same, and he shall prescribe within what time said publication shall be completed. *Provided*, The same shall be completed within two months after the final adjournment of the session.

Compensation.

§ 2. All publishers of weekly newspapers who shall publish in their respective newspapers all the acts designated in the foregoing section, shall be allowed thirty dollars for such entire publication, to be paid out of the state treasury as hereinafter provided.

When order to be drawn on treasurer.

§ 3. The secretary of state upon receiving satisfactory evidence by affidavit, that all such laws have been published in accordance with the foregoing provisions, in any weekly newspaper published within the state, shall draw an order upon the state treasurer in favor of the publisher of such paper, for the sum before mentioned.

§ 4. A sum of money sufficient to pay for the publication aforesaid is hereby annually appropriated for that purpose, out of any money in the treasury not otherwise appropriated.

Approved, April 1, 1854.

Chap. 77.

AN ACT *to provide for the contingent expenses of the Bank Comptroller's office.*

Published, April 29, 1854.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

§ 1. The bank comptroller is hereby authorized to procure a suitable iron safe for the use of his office, and his account for the same shall be audited by the secretary of state and paid out of the state treasury, and the sum of money necessary to pay said account when audited is hereby appropriated to be paid out of any money in the treasury not otherwise appropriated. **Authorized to procure a safe.**

§ 2. The bank comptroller is hereby authorized to procure suitable books, blanks, and forms for the use of his office, and especially to procure the books necessary to carry into effect the thirty-ninth section of the banking law of this state, and the expenses attending the same, as well as writing up the said books to the present time, in the manner recommended by the committee on banks and banking of the senate, shall be paid out of the tax paid into the state treasury by the banks; all of the said accounts, as well as the postage account of the bank comptroller's office, to be audited by the secretary of state and paid by the state treasurer out of the said fund, and the sum of money necessary to pay said account when audited, is hereby appropriated to be paid out of any money in the treasury of said fund, not otherwise appropriated. **To procure blank books.**

§ 3. The bank comptroller is hereby required to annually report to the legislature the transactions of his office during the preceding year. **Annual report.**

§ 4. The bank comptroller shall hereafter keep his office in the room in the basement of the capitol, now occupied by the state agricultural society, and the governor shall cause the same to be suitably fitted up for the accommodation of said office. **Office to be in basement of capitol.**

Approved, April 1, 1854.

Chap. 78.

AN ACT *to establish the salary of the Assistant State Superintendent of Public Instruction.*

Published, May 4, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To take oath of office.

§ 1. The state superintendent shall have power to appoint under his hand and seal, an assistant superintendent of public instruction, who shall take the constitutional oath of office, which shall be filed in the office of the governor; and such assistant shall perform such duties as his principal shall prescribe, not inconsistent with law, and shall receive an annual salary of eight hundred dollars, to be paid quarter yearly as the salaries of state officers are paid, and the sum of eight hundred dollars is hereby appropriated annually out of any money in the state treasury not otherwise appropriated, to him, and such assistant shall be styled the assistant state superintendent, and the state superintendent shall be responsible for all of the acts of such assistant.

Salary.

Laws repealed.

§ 2. This act shall take effect immediately from and after its passage, and any law of the state authorizing the state superintendent to appoint or employ a deputy, or any clerk or other person in the office at the expense of the state, and all laws of this state appropriating money to pay for clerk hire, or for the services of any such deputy clerk or other person, are hereby repealed.

§ 3. Section one of an act entitled "an act to provide for the payment of clerks for services in the several state offices," approved April 9, 1852, is hereby repealed.

Approved, April 1, 1854.

Chap. 79.

AN ACT *concerning certain acts.*

Published, May 8, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. An act entitled an act to authorize the secretary of state to audit certain accounts, approved March 13th, 1854, and also an act amendatory to said act shall take effect and be in force from and after their passage.

§ 2. This act shall take effect and be in force from and after its passage.

Approved, April 1, 1854.

Chap. 80.

AN ACT *to amend chapter nineteen of the Revised Statutes, and to compile the School Laws of Wisconsin.*

Published, April 26, 1854.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

§ 1. Whenever a school district shall be formed in any town, it shall be the duty of the town superintendent, within twenty days thereafter, to prepare a notice in writing of the formation of such district, describing its boundaries, and appointing a time and place for the first district meeting, and to deliver such notice to a taxable inhabitant of the district. **Notice to taxable inhabitants.**

§ 2. The town superintendent shall, in such notice, direct such inhabitant to notify every qualified voter of the district, either personally or by leaving a written notice at **Notification of meeting.**

his place of residence, of the time and place of such meeting, at least five days before the time appointed therefor; and it shall be the duty of such inhabitant to notify the voters of such district, agreeably to the requirement of said notice, and endorse thereon a return containing the names of the persons by him notified; and said notice and return shall be recorded as a part of the record of the first meeting in such district.

Notice in case of neglect to hold meeting.

§ 3. In case such notice shall not be given, or the inhabitants of a district shall refuse or neglect to assemble, or form a district meeting, when so notified, or in case in [*any*] school district having been formed and organized, shall afterwards be dissolved so that no competent authority shall exist therein to call a special district meeting in the manner hereinafter provided, notice shall be given by the town superintendent and served in the manner prescribed in the preceding section.

§ 4. Whenever a district meeting shall be called in the manner prescribed in the preceding sections of this chapter, it shall be the duty of the electors of the district to assemble at the time and place mentioned in such notice.

§ 5. Every person shall be entitled to vote in any school district meeting of this state, who is qualified to vote at a general election for state and county officers, and who shall have resided for the last ten days in the district where he or they may offer to vote.

Oath upon challenging voters.

§ 6. If any person offering to vote at a school district meeting shall be challenged as unqualified, by any legal voter in such district, the chairman presiding at such meeting shall declare to the person challenged the qualifications of a voter, and if such person shall declare that he is a voter, and if such challenge shall not be withdrawn, the chairman shall tender him the following oath or affirmation: "You do solemnly swear (or affirm, as the case may be,) that you have been an actual resident of this school district for the last ten days, and that you are qualified according to law to vote at this meeting." And every person taking such oath or affirmation shall be permitted to vote on all questions proposed at such meeting, but if any person shall refuse to take such oath or affirmation, his vote shall be rejected.

§ 7. Every school district shall be deemed duly organized when any two of the officers elected at the first legal meeting thereof, shall have consented to serve for the

offices to which they have been respectively elected, by a written acceptance thereof filed with and recorded by the clerk; and every school district shall be considered as legally organized after it shall have exercised the franchises and privileges of a district for the term of two years.

When district shall be deemed duly organized.

§ 8. Every school district organized in pursuance of this chapter, or which has been organized under any previous law of the state or territory of Wisconsin, shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "School district number (such number as shall be designated by the town superintendent in the formation thereof,) of ———," (the name of the town or towns in which the district is situate,) and in that name shall sue and be sued, and be capable of contracting and being contracted with, and of holding such real and personal estate as is authorized to be purchased by the provisions of this chapter, and of selling the same.

Name and style.

§ 9. The annual meeting of each school district shall be held on the last Monday of September in each year; the hour of such meeting shall be six o'clock in the afternoon, unless otherwise provided by a vote of the district, duly recorded, at the last previous annual meeting.

Annual meeting.

§ 10. No annual meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was wilful and fraudulent.

No meeting illegal for want of notice.

§ 11. The inhabitants qualified by law to vote at a school district meeting, when assembled at the first and each annual meeting in their district, shall have power—

Powers of school district meetings.

1st. To appoint a chairman for the time being.

2d. To adjourn from time to time as occasion may require.

3d. To choose a director, treasurer, and clerk.

4th. To designate a site for a district school house.

5th. To vote such tax on the taxable property of the district, as the meeting shall deem sufficient to purchase or lease a suitable site for a school house, and to build, hire, or purchase such school house, and to keep in repair and furnish the same with the necessary fuel and appendages.

6th. To vote a tax on the taxable property of the district of such sum as the meeting shall deem proper for the pay of teachers' wages in the district.

7th. To authorize and direct the sale of any school house, site, or other property belonging to the district,

when the same shall no longer be needful for the use of the district.

8th. To impose such tax as may be necessary to discharge any debts or liabilities of the district lawfully incurred.

9th. To vote a tax not exceeding twenty dollars in any one year for the purchase of globes, black board, outline maps, or any apparatus for illustrating the principles of agriculture, chemistry, or the mechanic arts.

10th. To give such direction and make such provision as may be deemed necessary in relation to the prosecution or defence of any suit or proceeding in which the district may be a party or interested.

11th. To alter, repeal, and modify their proceedings as occasion may require.

Special meetings.

§ 12. Special district meetings may be called by the clerk, or in his absence by director or treasurer, on the written request of any five legal voters of the district, and the inhabitants qualified by law to vote, when lawfully assembled at a special meeting, shall have power to transact the same business as at the first and each annual meeting, except to choose district officers and to vote a tax.

Notification for special meetings.

§ 13. Whenever the time for holding an annual meeting in any district for the election of district officers shall pass without such election being held, the clerk, or in case of his absence, either the director or treasurer last elected, within twenty days after the time of holding such meeting shall have passed, may notify a special meeting for such election in the manner prescribed in the eleventh and twenty-ninth sections of this chapter; but if such meeting shall not be notified within twenty days as aforesaid, the town superintendent may order any taxable inhabitant of such district to notify such meeting in the manner provided in this chapter for the formation of a new district; and the officers chosen at such special meeting shall hold their offices until the time for holding the next annual meeting.

Maximum tax for building school houses, &c.

§ 14. No tax to be voted by a district meeting for building, hiring, or purchasing a school house, shall exceed the sum of three hundred dollars, unless the town superintendent of the town in which the school house is to be situated, shall certify in writing his opinion that a larger sum ought to be raised, and shall specify the sum, in

which case a sum not exceeding the sum specified may be raised; and in districts composed of parts of several towns, the certificate of a major part of the superintendents of said towns shall be necessary for such purpose.

Regulations regarding time of holding school.

§ 15. The qualified voters at each annual meeting may determine the length of time a school shall be taught in their district the then ensuing year, which shall not be less than three months, and whether such school shall be taught by a male or female teacher, or both, and whether the school moneys to which the district is entitled from the common school fund and from the town, shall be applied to the support of the summer or winter term of the school, or a certain portion to each; but if such matters shall not be determined at the annual meeting, the district board shall have power and it shall be their duty to determine the same.

District officers.

§ 16. The officers of each school district shall be a director, treasurer, and clerk, who shall hold their respective offices until the annual meeting next following their election or appointment, and until their successors shall have been chosen, but not beyond ten days after the time for holding the second annual meeting after their election or appointment, without being again elected or appointed. Any person present at a school district meeting at which he shall be elected one of the district board, shall be deemed to be notified thereof, and any person so elected, and not present, shall be notified thereof by the clerk of such meeting within five days thereafter, and unless each person so elected and notified shall, within ten days after his election, file with the clerk his refusal in writing to accept the office, he shall be deemed to have accepted the same; and any person appointed to fill a vacancy shall file with the clerk his acceptance in writing before entering upon the duties of the office to which he has been appointed.

Notification of election.

Duties of Director.

§ 17. It shall be the duty of the director of each district to sign, together with the clerk, all orders drawn by the clerk upon the treasurer of the district for moneys received by him to be disbursed therein.

§ 18. The director shall appear for and on behalf of the district, in all suits brought by or against the district, when no other direction shall be given by the qualified voters of such district at a district meeting.

Duties of treasurer.

§ 19. It shall be the duty of the treasurer of each district to apply for and receive from the town superintendent, all school moneys apportioned to his district, and pay over on the order of the clerk and director of such district, all moneys so received by him.

Annual report.

§ 20. The treasurer shall present to the district at each annual meeting a report in writing containing a statement of all moneys received by him during the preceding year, and of the disbursements made by him, with the items of such disbursements, and exhibit the vouchers therefor; also a statement of all taxes assessed upon the taxable property of the district during the year, the purposes for which such taxes were assessed, and the amount assessed for each particular purpose, which report shall be recorded by the clerk; and if it shall appear that any balance of moneys is in the hands of such treasurer at the time of making such report, he shall immediately pay over such balance to his successor in office.

Bond of treasurer.

§ 21. The treasurer shall within ten days after his election execute to the district a bond in double the amount of money, as near as can be ascertained, to come into his hands as treasurer, during the year, with sufficient sureties to be approved by the director and clerk, conditioned for the faithful discharge of the duties of his office; and if he shall fail so to do, his office shall be vacant.

Suits for breach of conditions of bond.

§ 22. Such bond shall be filed with the clerk, and in case of any breach of the condition thereof, the director shall cause a suit to be commenced thereon in the name of the district, and the money, when collected, shall be applied by such director to the use of the district, as the same should have been applied by the treasurer.

In cases when Treasurer fails to give bond or declines.

§ 23. If the treasurer shall fail to give a bond as is required in this chapter, or shall decline to accept his office, the said board shall appoint a treasurer, who shall possess all the powers of the district treasurer, and shall, before entering upon the duties of his office, give a bond to the district in double the amount of moneys to come into his hands, as near as can be ascertained, in the same manner and with the same effect as the district treasurer is required to give.

Prosecutions for withholding balance.

§ 24. If such treasurer shall refuse or neglect to pay over any balance remaining in his hands, it shall be the duty of his successor in office to prosecute without delay his official bond for the recovery of such balance.

§ 25. It shall be the duty of the clerk of each district to record the proceedings of his district in a book to be provided by the district for that purpose; to enter therein copies of all reports made by him to the town superintendent, and to keep and preserve all records, books, and papers belonging to his office, and deliver the same to his successor in office. **Duties of clerk.**

§ 26. He shall be clerk of the district and of all district meetings when present, but if he shall not be present at any district meeting, the qualified voters present may appoint a clerk of such meeting, who shall certify the proceedings thereof, and the same shall be recorded by the clerk of the district. **Appointment of clerk pro tem.**

§ 27. The clerk shall contract with and hire qualified teachers for and in the name of the district; which contract shall be in writing, and shall have the consent of either the director or treasurer, or both endorsed thereon, and shall specify the wages per week or month as agreed upon by the parties, and such contract so completed shall be filed in his office. **Clerk to hire teachers &c.**

§ 28. The district board shall provide the necessary appendages for the school house, and keep the same in good condition and repair during the time a school shall be taught therein; and they shall keep an accurate account of all expenses incurred by them, and present such account for allowance to the qualified voters at a regular district meeting; and the amount of such account as allowed by such meeting may be assessed and collected in the same manner as other district taxes; but no such account shall be allowed at a special district meeting unless the intention to present the same shall be specified in the notice for such meeting. **Appendages for school house.**

§ 29. It shall be the duty of the clerk to give at least six days previous notice of every annual and special district meeting, by posting up notices therefor in four or more public places in the district, one of which notices shall be affixed to the outer door of the school house, if there be one in the district; and he shall give the like notices for every adjourned district meeting, when such meeting shall have been adjourned for a longer period than one month; every notice for a special district meeting shall specify the objects for which such meeting is called, and no business shall be acted upon at any special meeting which was not specified in such notice. **Six days notice of annual or special meeting.**

Report of clerk.

§ 30. It shall be the duty of the clerk, between the first and fifteenth days of September in each year, to make and transmit a report in writing, signed by him, to the town superintendent, dated on the first day of September, in the year in which it shall be transmitted, showing:

1st. The number of children, male and female, designated separately, residing in the district on the last day of August previous to the date of such report, over the age of four and under the age of twenty years.

2d. The number attending school during the year, under the age of four, and the number over the age of twenty years.

3d. The whole number that have attended school during the year.

4th. The length of time a school has been taught during the year by a qualified teacher; the name of each teacher, the length of time taught by each, and the wages paid to each.

5th. The average length of time scholars over the age of four and under the age of twenty-years, have attended school during the year.

6th. The amount of moneys received from the town superintendent within the year, and the manner in which the same has been applied.

7th. The amount raised by the district in such year, and the purpose for which it was raised.

8th. The kind of books used in the school.

9th. Such other facts and statistics in regard to the school and the subject of education, as the state superintendent may direct.

Clerk to draw orders on Treasury.

§ 31. It shall be the duty of the clerk to draw orders on the treasurer of the district for money, in the hands of such treasurer, which has been apportioned to or raised by the district, to be applied to the payment of teachers' wages, and apply said moneys to the payment of such teachers as shall have been employed by him in the name of the district, and also to draw orders on said treasurer for moneys in his hands, to be disbursed for any other purpose, for which the same shall have been voted by the district, agreeably to the provisions of this chapter: *Provided*, Said orders shall be signed by the director.

Proviso.

§ 32. The clerk of each school district shall furnish at the expense of the district a school register in the form prescribed by the state superintendent, in which every

teacher in the district shall be required to enter the names, ages, and studies of all the scholars attending school, and daily, their attendance and absence; which register shall be deposited with the clerk at the end of each term; and any teacher who shall wilfully neglect or refuse to comply with the requirements of this section, shall forfeit his or her wages for teaching in such district. **School register.**

§ 33. The clerk of each school district shall, on or before the fourth Monday of November in each year, deliver to the town clerk in which the district is situated, a statement in writing, verified by his affidavit, showing the amount of the tax or taxes voted to be raised at the last preceding annual meeting or at the first meeting after the organization of the district, or both, as the case may require, together with a list of all persons and corporations liable to a school district tax therein. In case of a joint district he shall deliver to the town clerk of each town in which any part of the district is situated, a statement so verified, showing the proportion of the tax to be assessed in that part of the district within such town, together with a list of all persons and corporations liable to a school district tax in that part of the district. Such proportion shall be ascertained from the valuations contained in the last assessment rolls of the respective towns; and to enable the district clerk to ascertain the same, the town clerk of each such town, shall, on demand, at any time after he has received the equalized assessment roll of his town, deliver to the clerk of any such joint district a certified statement of the valuation of real and personal property in that part of such district lying within his town, as the same appears from said assessment roll. **Statement of amount of taxes by clerk.** **In case of a joint district.**

§ 34. The town clerk shall assess such tax, or the due proportion thereof, upon the real and personal property liable thereto, placing the same in a separate column in the next assessment roll of his town delivered to the town treasurer for collection, whenever such certificate of the district clerk shall be received by him in time therefor, although after the fourth Monday of November, and if for any reason such tax shall not be assessed in the next assessment roll after the tax is voted, it shall be assessed in that of the next succeeding year. The tax shall in all respects be collected or returned delinquent like other taxes, and when collected the money shall be paid over to the district treasurer. And whenever any part and **Assessment of taxes by the town clerk.**

not the whole, of the taxes for all purposes assessed in the assessment roll to any person or corporation, or upon any real estate, shall be collected by the town treasurer, he shall pay over the due proportion of the amount collected by him to the district treasurer.

The district board

§ 35. The director, treasurer, and clerk, shall constitute the district board.

Board to provide for a school house

§ 36. They shall purchase or lease such a site for a school house as shall have been designated by the district, in the corporate name thereof, and shall build, hire, or purchase such school house out of the funds provided for that purpose, and make sale of any school house, site, or other property belonging to the district, and if necessary execute a conveyance of the same in their name of office, when lawfully directed by the qualified voters of such district at any annual or special meeting.

To have the case of property belonging to the district.

§ 37. The said board shall have the care and keeping of the school house and other property belonging to the district, except so far as the same shall be especially confided to the care of the clerk, including all books purchased by the district for the use of any children.

May fill vacancies

§ 38. The said board shall have power to fill by appointment any vacancy that shall occur in their own number, within ten days after such vacancy shall occur; and if such vacancy shall not be filled within ten days as aforesaid by said board, it shall be the duty of the town superintendent to fill such vacancy by appointment.

May purchase school books in certain cases.

§ 39. The district board may purchase at the expense of the district, when families or guardians may not be able to furnish the same, such school books as in their judgment may be necessary for the use of any children attending school in their district, and they may include the amount of such purchase in any tax to be collected in such district.

May determine what books shall be used.

§ 40. The board in each school district shall have power, under the advice of the superintendent of public instruction, to determine what school and text books shall be used in the several branches taught in the school of such district.

Branches to be taught.

§ 41. In every district school there shall be taught, in the English language, orthography, reading, writing, English grammar, geography, and arithmetic, during the time such school shall be kept, and such other branches of education as may be determined upon by the board.

§ 42. It shall be the duty of the town superintendent of common schools, within ten days after he shall have been notified of his election or appointment, to execute to the chairman of supervisors of his town, and file with the town clerk, a bond with one or more sufficient sureties, to be approved by the said chairman of supervisors, by endorsement over his signature on said bond, with a penalty, as near as can be ascertained, of double the amount of all the school moneys to come into his hands during the term of his office, and conditioned for the faithful application and legal disbursement of all such school moneys according to law, and for the faithful discharge of all the duties of his office, and in case such bond shall not be executed, approved, and filed within the time prescribed in this section, the office of such town superintendent shall be deemed vacant. **Town superintendent to file a bond.**

§ 43. It shall be the duty of the town superintendent in each town— **Duties of the town superintendent.**

1st. To divide the town into a convenient number of school districts, and to regulate and alter such districts as hereinafter provided.

2d. To describe and number the school districts, and to deliver the description thereof and numbers, in writing, to the town and district clerk, immediately after the formation or alteration thereof.

3d. To apply for and receive from the county treasurer, all moneys apportioned for the use of common schools in his town, and from the treasurer of the town, all the moneys therein for the same purpose.

4th. To apportion the school moneys received from the town and county treasurers, on the third Monday in March in each year, or as soon thereafter as he shall receive the same, to the several districts and parts of districts within the town, in proportion to the number of children residing in each, over the age of four and under the age of twenty years, as the same shall have appeared from the last annual reports of their respective clerks.

5th. To see that the annual reports of the clerks of the several school districts in his town, are made correctly and in due time.

6th. To sue for and collect in his name of office, all penalties and forfeitures imposed in this chapter, which shall be incurred by any officer or inhabitant of his town, and in respect to which no other provision is made.

Superintendent to make an annual report.

§ 44. It shall be the duty of the town superintendent, between the first and fifteenth days of October in each year, to make and transmit to the clerk of the board of supervisors of the county, a report in writing, bearing date on the first day of October in the year of its transmission, stating:—

1st. The whole number of school districts separately set off within the town.

2d. The districts and parts of districts from which reports shall have been made to him or his immediate predecessor in office, within the time limited for that purpose.

3d. The length of time a school shall have been taught in each of such districts or parts of districts, distinguishing what portion of that time the school has been taught by qualified teachers.

4th. The amount of public moneys received in each of such districts and parts of districts.

5th. The number of children taught in each and the number of children over the age of four and under the age of twenty years, residing in each.

6th. The whole amount of moneys received by him from his predecessor in office, since the date of the last preceding report, distinguishing the amount received from the county treasurer, from the amount received from the town treasurer, and from other sources, if any.

7th. The manner in which such moneys have been expended, and whether any and what part remains unexpended, and for what cause.

8th. The amount of money raised in the districts and paid for teachers' wages, in addition to the public money paid therefor; the amount of taxes raised for purchasing school house sites, for building, hiring, purchasing, repairing, and insuring school houses; for fuel, for district libraries, or for any other purpose allowed by law, in the districts or parts of districts from which reports have been received by him, or his predecessor, since the date of the last preceding report, with such other information as the state superintendent may from time to time require.

Condition of apportioning money to districts.

§ 45. No moneys shall be apportioned to any district or part of a district, unless it shall appear, by the report thereof, that a school has been taught therein, for at least three months during the year ending at the date of such report, by a qualified teacher, and that all school moneys received during that year from the school fund, have

been applied to the payment of the wages of such teacher; and no portion of the library money shall be apportioned to any district or part of a district, unless it shall appear from the last annual report thereof, that the library money received at the last preceding apportionment was duly expended according to law, before the first day of September subsequent to such apportionment, and that such district has complied with the regulations established by the state superintendent in relation to district libraries.

Superintendent to keep an account of moneys.

§ 46. The town superintendent in each town shall keep a just and true account of all school moneys received and expended by him during each year for which he shall have been chosen, and shall lay the same before the board of auditors of town accounts, at the annual meeting of such board in each year.

Shall account to his successor.

§ 47. The town superintendent of schools in each town shall within ten days after the termination of his office, render to his successor in office a just and true account in writing, of all school moneys received by him during the preceding year, and of the manner in which the same shall have been appropriated and expended by him; and the account so rendered shall be delivered by such successor in office to the town clerk, to be filed and recorded in his office.

Shall pay over moneys to his successor.

§ 48. On rendering such account, if any balance shall be found remaining in the hands of such town superintendent, the same shall be immediately paid by him to his successor in office.

Such successor may bring a suit to recover unpaid balance.

§ 49. Such successor in office shall bring a suit upon the official bond of any previous town superintendent, for the recovery, with interest, of any unpaid balance of school moneys that shall appear to have been in his hands on leaving his office, either by the accounts rendered by such town superintendent, or by other sufficient proof.

Town superintendent to have powers of corporation.

§ 50. The town superintendent in each town shall have the powers and privileges of a corporation, so far as to enable him to take and hold any property transferred to him for the use of common schools in such town.

Corporation.

§ 51. The town superintendent shall be entitled to receive one dollar per day for every day actually and necessarily devoted by him in his official capacity, to the service of the town for which he may be chosen, the same to be paid in like manner as other town officers are paid.

Mode of apportionment where districts have been altered or new ones formed.

§ 52. If after the time when the annual reports of the school districts are required to be dated, and before the apportionment of school moneys shall be made, a district shall be duly altered, or a new district [*shall be formed*] in the town, so as to render an apportionment founded on such annual reports, unjust as between two or more districts of the town, the town superintendent shall make an apportionment to such districts according to the number of children in each over the age of four and under the age of twenty years, ascertaining that number by the best evidence in his power.

Monies not apportioned to be added to future apportionments.

§ 53. All moneys apportioned by the town superintendent to any district or part of a district, which shall have remained in the hands of said town superintendent for one year after such apportionment by reason of such district or part of district neglecting or refusing to receive the same, shall be added to the moneys next thereafter to be apportioned by such town superintendent, to the several districts and parts of districts in such town, and apportioned therewith.

Examination of teachers.

§ 54. It shall be the duty of the town superintendent to examine annually all persons offering themselves as candidates for teachers of common schools in his town, in regard to moral character, learning, and ability to teach school; and he shall deliver to each person examined and found qualified, a certificate signed by him, in such form as shall be prescribed by the state superintendent; which certificate shall be in force for one year from the date thereof, unless annulled within that time, and no person shall be deemed a qualified teacher within the meaning of this chapter, who has not such a certificate in force. A certificate granted by any town superintendent, as provided in this section, shall not be deemed a legal qualification of a teacher within the meaning of this chapter in joint school districts, except in cases where the school house is situated in the town for which the superintendent granting the certificate was chosen.

May annul certificate given to teachers.

§ 55. The town superintendent may annul any such certificate given by him or his predecessor in office, when he shall think proper, giving at least ten days' previous notice in writing to the teacher holding it, and to the district board of the district in which he may be employed, of his intention to annul the same.

§ 56. The annulling of a certificate shall not disqualify

the teacher to whom it is given, until a note containing the name of the teacher and the time when the certificate was annulled, shall be made by the town superintendent, and filed in the office of the town clerk. Its effect, &c.

§ 57. The town superintendent, whenever he shall deem it necessary, may require a re-examination of all or any of the teachers in his town, for the purpose of ascertaining their qualifications to continue as such teachers. May re-examine teachers.

§ 58. It shall be the duty of the town superintendent to visit all such common schools. Shall visit schools.

§ 59. At such visitation, the town superintendent shall examine into the state and condition of such schools, both as respects the progress of the scholars in learning, and the good order of the schools, and may give his advice and direction to the board of directors, and the teachers of such schools, as to the government thereof, and the course of studies to be pursued therein. Shall advise directors.

§ 60. Whenever the town superintendent shall contemplate an alteration of the boundaries of a school district, he shall give at least five days' notice in writing to the clerk of the district or districts to be affected thereby, stating in such notice the time and place, when and where he will be present to hear and decide upon such proposed alteration; and it shall be the duty of such clerk or clerks immediately to notify the other members of the board. In hearing and deciding upon the alteration of a school district, the district board of the district or districts to be affected by such alteration may apply to the chairman of the town board of supervisors and town clerk to be associated with the town superintendent, and a majority of the board so constituted shall be necessary to make any change in the boundaries of a school district, and their action shall be final unless duly appealed from. Notice to be given on altering the boundaries of a district.

§ 61. In all cases where an alteration of the boundaries of a school district shall be made, the town superintendent shall, within three days thereafter, give notice thereof, by filing a copy of the order so altering the same with the clerk of the district or districts affected by such alteration; and no alteration of any school district, made without the consent of a majority of the district board endorsed on such order, shall take effect until three months after notice given as above specified, nor shall any altera- Notice of the alteration.

tion of an organized school district be made to take effect between the first day of December in any one year, and the first day of April following.

Formation of new districts.

§ 62. When a new district is formed, in whole or in part from one or more districts possessed of a school house, or entitled to other property, the town superintendent, at the time of forming such new district, shall ascertain and determine the proportion of the value of the school house and other property justly due to such new district.

Valuation of school house and district property.

§ 63. Such proportion shall be ascertained and determined according to the value of the taxable property of the respective parts of such former district at the time of the division, by the best evidence in the power of the town superintendent; and such amount of any debt due from the former district, which would have been a charge upon the new had it remained in the former district, shall be deducted from such proportion.

Raising tax on district retaining school house.

§ 64. Such proportion, when ascertained, shall be raised and collected by tax upon the taxable property of the district, retaining the school house or other property of the former district, in the same manner as other district taxes are collected, and when collected shall be paid to the treasurer of the new district, to be applied towards procuring a school house for such district; and the money so paid to the new district shall be allowed to the credit of the taxable property taken from the former district, in reduction of any tax that may be imposed on said taxable property, in the new district, for the building of a school house.

Joint school districts.

§ 65. Whenever it shall be necessary to form a district from two or more adjoining towns, the superintendents of such adjoining towns shall meet together and form such district, and deliver the notice of such formation to a taxable inhabitant of such district, whose duty it shall be to serve such notice, as provided in the second section of this chapter, and the clerk of the district so formed shall make such report to the superintendent of each such adjoining town, of such part of said district as may be situate in such town, as is prescribed in the thirtieth section of this chapter; and any district so formed may be altered or regulated by the superintendents of such adjoining towns as may be deemed necessary.

§ 66. Any person conceiving himself aggrieved in con-

sequence of any decision made by any school district meeting, or by the town superintendent, in forming or altering or refusing to form or alter any school district, or concerning any other matter under the provision of this chapter, may appeal to the state superintendent, who is hereby authorized and required to examine and decide the same, and such decision shall be final and conclusive: *Provided, however*, That the decision appealed from shall be operative until the state superintendent shall reverse or change the same.

Redress of grievances.

Proviso.

§ 67. All taxes raised and collected in any school district for any of the purposes authorized by the provisions of this chapter, except when otherwise provided, shall be assessed on the same kind of property as taxes for town and county purposes are assessed.

Kind of property taxed.

§ 68. Whenever any real estate in any school district shall not have been separately valued in the assessment roll of the town, and the valuation of such real estate cannot be definitely ascertained from such assessment roll, the town clerk shall estimate the value of the same, in proportion to the valuation affixed in said assessment roll to the whole tract of which such lot or piece of land forms a part.

Town Clerk to estimate value of property in certain cases.

§ 69. Whenever a school district embraces a part of more than one town, the town superintendents of the towns so in part embraced, upon application of any three persons liable to pay taxes in such district, shall proceed o enquire and determine whether the valuations of taxible property in the assessment rolls of such towns are ust, as compared with each other, in respect to such district, and if considered not to be so, they shall determine he relative proportion of taxes to be assessed upon the eal estate of the parts of such district so lying in different towns, and shall certify the same to the town clerk of ach town, and if received by him previous to making it the assessment roll for that year, he shall assess the hool district tax according to such equalized valuation. cases where two superintendents cannot agree as to ch valuation, they shall summon a superintendent from adjoining town, who shall unite in such inquiry and termination.

Equalizing taxes in joint school districts.

§ 70. It shall be the duty of the town clerk to receive d keep all reports made to the town superintendent, m clerks of school districts, and all books, maps, and

Town clerk to keep all reports to superintendent.

in case they cannot agree then such division shall be made by the town superintendent.

Jurisdiction of justices in cases where a school district is a party.

§ 79. Justices of the peace shall have jurisdiction in all cases, in which a school district is a party interested, when the amount claimed by the plaintiff shall not exceed one hundred dollars, and the party shall have the same right of appeal as in other cases; and when a suit shall be brought against any school district, it shall be commenced by a summons, a copy of which shall be left with the director of such district.

No execution to issue against school district.

§ 80. No execution shall issue on any judgment against a school district, nor shall any suit be brought thereon; but the same shall be collected in the manner prescribed in this chapter.

Director to certify to date and amount of judgment.

§ 81. Whenever any final judgment shall be obtained against any school district, if the same shall not be removed to any other court, the director of such district shall certify to the town clerk of the town, the date and amount of such judgment, with the name of the party in whose favor the same was rendered; and if such judgment shall be removed to another court, the director shall certify the same as aforesaid immediately after the final determination thereof against the district.

In case of failure to certify.

§ 82. If the director shall fail to certify such judgment, as required in the preceding section, it shall be lawful for the party obtaining the same, his agent or legal representatives, to file with the town clerk of the town, the certificate of the justice or clerk of the court rendering the judgment, showing the facts which should have been certified by such director.

Where district lies in two towns certificate of judgment to be given each town clerk.

§ 83. If the district against which any such judgment shall be rendered is situate in part of two or more towns, a certificate thereof shall be delivered as aforesaid to the town clerk of each town in which such district is part situated.

Town clerk to assess amount of judgment on taxable property of district.

§ 84. The town clerk receiving either of the certificates of a judgment as aforesaid, shall proceed to assess the amount thereof, with interest from the date of such judgment to the time when the warrant for the collection thereof will expire, upon the taxable property of said district, placing the same on the next town assessment roll in a separate column, and the same proceedings shall be had thereon, and the same shall be collected and returned, in the same manner as other town taxes, and shall be paid

to the party entitled thereto. If such district be situated in two or more towns, the clerk of each town shall, on demand of any person interested, furnish for the clerk of every other town in which any part of the district is situated, a certificate showing the total amount of the valuations of taxable property in that part of the district situate in his town, according to the last assessment roll of said town, and the amount of the judgment shall be assessed upon the respective parts of the district within the several towns in proportion to such valuation. In all cases when for any reason, the clerk of any town has heretofore failed, or shall hereafter fail to assess the amount of any such judgment, or the proper proportion thereof, in the next assessment roll after the rendition of the judgment, it shall be his duty to assess the same in any subsequent assessment roll within two years thereafter, upon the taxable property within the district, or part of a district, situate within his town according to its limits at the time of making the assessment.

Mode of proceedure in joint districts.

§ 85. Every taxable inhabitant, receiving the notice mentioned in the first and second sections of this chapter, who shall neglect or refuse duly to serve and return said notice, and every chairman of the first district meeting in any district, who shall wilfully neglect or refuse to perform the duties enjoined on him in this chapter, shall respectively forfeit the sum of five dollars.

Penalty for neglect or refusal to obey 1st and 2d sections.

§ 86. Every person duly elected to the office of director, treasurer, or clerk of any school district, who shall neglect or refuse without sufficient cause, to accept such office and serve therein, or who having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by the provisions of this chapter, shall forfeit the sum of ten dollars.

Penalty for refusing to serve as district officers.

§ 87. Every town superintendent, who shall neglect or refuse to make and deliver to the clerk of the county board of supervisors his annual report, as required in this chapter, within the time limited therefor, shall be liable to pay the full amount of money lost by such neglect or refusal, with interest thereon, to be recovered by the town treasurer in the name of the town.

Penalty for town superintendent neglecting to report.

§ 88. Every clerk of the county board of supervisors, who shall neglect or refuse to make the report required in this chapter to be made by him to the state superintendent, within the time therefor limited, shall be liable to

Penalty for neglect of clerk of county board to report to state superintendent.

pay to each town the full amount which such town, or any school district therein, shall lose by such neglect or refusal, with interest thereon, to be recovered in the manner specified in the preceding section.

Apportionment of moneys.

§ 89. All moneys collected or received by any town treasurer, under the provisions of either of the last two preceding sections, shall be apportioned and distributed to the school districts entitled thereto, in the same manner and in the same proportions, that the moneys lost by any neglect or refusal therein mentioned would, according to the provisions of this chapter, have been apportioned and distributed.

Penalty for clerk of district signing a false report.

§ 90. Every clerk of a district who shall wilfully sign a false report to the town superintendent of his town, with intent of causing such town superintendent to apportion to his district a larger sum than its just proportion of school moneys of the town, shall be deemed guilty of a misdemeanor, and punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding six months.

Penalty for neglect or refusal to deliver records to successor.

§ 91. Every school district clerk who shall neglect or refuse to deliver to his successor in office, all records, books, and papers appertaining to such office, shall be subject to a fine not exceeding fifty dollars.

Suits to recover moneys withheld by town superintendent.

§ 92. It shall be competent for any legally organized school district in this state, to commence suit on the official bond of the town superintendent of common schools of the town in which such district is situated, for the recovery of any moneys lawfully due and belonging to such district, in all cases where such town superintendent shall neglect or refuse, for the space of ten days from the time by law fixed therefor, to apportion and pay over to the proper officer of such district, the school moneys aforesaid.

Suit to compel the payment of school money.

§ 93. It shall also be competent for such school district, or the town superintendent of common schools, in case of default of the town treasurer or county treasurer to pay over to the town superintendent of the town in which such district is situated, the school moneys which by law should be paid over to such superintendent, to commence suit on the official bond of such town or county treasurer, for the recovery of such moneys.

§ 94. For the purpose of this act, the said school district, or the said superintendent, shall have full power and right

to commence suit in the name of the persons or officers to whom any bond as aforesaid shall be given, and to control and prosecute such suit without hindrance from the nominal plaintiffs to such suits, *Provided*, That such district or superintendent, as the case may be, shall be responsible for any costs that may be finally adjudged against the plaintiff.

May commence suit in name of the persons or officers to whom bond is given.

§ 95. In the prosecution of suits under this act, a copy of the official bond sued upon, duly certified by the officer in whose custody such bond is placed by law, shall be deemed sufficient for all purposes of proof required in law, in said suits. And any suits under this act, in which the sum claimed to be justly due shall not exceed the sum of one hundred dollars, may be commenced and prosecuted before any justice of the peace in the same manner as other cases.

Copy of bond to be proof.

§ 96. It shall be the duty of the town superintendent of each town, to make a map of all the school districts and parts of districts in his town, specifying the s. ctions, parts of sections or other subdivisions therein embraced, and file the same with the town clerk on or before the first Monday of September next; and also a map of each district, in like manner, and file the same with the clerk of such district within the time above specified. And whenever thereafter any alteration shall be made in the boundaries of any school district, the town superintendent shall cause such alteration to be marked on the map and filed with the town clerk, and on the map of the district or districts affected by such alteration. In case of the formation of a new district, he shall furnish the clerk of such new district with a map thereof, and cause the same to be marked out on the map filed in the town clerk's office.

Map to be made by town superintendent.

§ 97. Whenever hereafter, any amendment shall be made to the provisions of this chapter, it shall be the duty of the state superintendent to furnish a copy of such amendment to every school district in the state.

Amendments to this act.

§ 98. Chapter nineteen of revised statutes "an act to amend chapter nineteen, title seven, part first, of revised statutes," approved March 6th, 1851;

"An act to confer certain powers upon organized school districts, and for other purposes;" approved March 11th, 1851;

Acts repealed.

"An act directing in what district personal property shall be taxed for school purposes," approved April 9th, 1852;

"An act to amend chapter nineteen, section seventy-three of the revised statutes," approved April 9th, 1852.

"An act to amend chapter nineteen of the revised statutes," approved March 19th, 1853;

"An act to amend chapter nineteen of the revised statutes of this state," approved March 29th, 1853;

"An act to amend chapter nineteen of the revised statutes," approved March 14th, 1853;

"An act in relation to appeals from the decision of the town superintendents," approved April 2d, 1853; and

"An act concerning school districts," approved February 25th, 1854, are hereby repealed.

To be published in pamphlet form

§ 99. The superintendent of public instruction is hereby instructed and directed to cause seven thousand copies of this act to be published in pamphlet form, including therein such rules, forms and regulations as he may deem necessary to carry into effect the provisions of this act; and when thus published it shall be the duty of the superintendent to distribute to each school district in this state one copy of the same, one copy to each town superintendent, one copy to the clerk of the board of supervisors of each county in the state, and one copy to each of the clerks of the several cities in the state.

§ 100 This act shall take effect and be in force from and after the first day of July, one thousand eight hundred and fifty-four.

Approved, April 1, 1854.

Chap. 81.

AN ACT *to authorize a loan to the University of Wisconsin.*

Published, April 25, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Amount to be loaned.

§ 1. The commissioners of the school and university lands shall loan to the University of Wisconsin, an amount not exceeding fifteen thousand dollars, out of any money

now in the treasury and of the first that shall hereafter be received into the treasury of the principal of the university fund: *Provided*, That the board of regents shall by resolution apply for such loan; *And provided also*, That a majority of the whole number of regents shall vote, by yeas and nays, to be entered on their journal of proceedings, in favor of such resolution.

To be paid to order of board of regents.

§ 2. The money so loaned shall be paid under the order and direction of the board of regents of the University of Wisconsin, and shall draw interest at the rate of seven per cent. per annum, payable annually in advance, at the office of the state treasurer.

Purpose of the loan.

§ 3. The money so loaned shall be applied by said board of regents, to the construction of the second dormitory building of said University, on the foundation already laid on the grounds of said University.

Mode of paying interest.

§ 4, It is hereby made the duty of the state treasurer, annually, for ten years, to retain out of the moneys received into the state treasury from interest on the moneys loaned from the principal sum of the university fund, a sum equal to the annual interest on the sum loaned out of said university fund to the university of Wisconsin as hereinbefore provided, and to pay over the balance of the income of the university fund as directed by law.

Mode of paying principal

§ 5. After the expiration of ten years it shall be the duty of the state treasurer, annually, in addition to the interest on the sum loaned as hereinbefore provided, to retain out of the income of the university fund, a sum equal to ten per cent. per annum as the principal sum loaned as aforesaid to said university, till the whole loan shall be paid; *Provided*, That the regents of said university may at any time pay part or all of the principal sum loaned to said university under the provisions of this act.

Detailed estimate of current expenses of university.

§ 6. The fiscal year of the university shall terminate on the last day of December in each year; and hereafter it shall be the duty of the board of regents in their annual report to the governor, to make a detailed estimate of the current expenses of the university for the next succeeding fiscal year, showing the amount necessary to pay the interest on its debts, specifying the same—the amount of salaries of officers, professors and tutors, specifying the same, and the amount necessary for all other expenses and disbursements, in detail, which the governor shall communicate to the legislature, and after the expiration of

the present year no money shall be drawn from the state treasury by the board of regents, except in pursuance of an express appropriation by law.

§ 7. This act shall take effect from and after its passage.

Lands in grant county to be sold

§ 8. The commissioners of the school and university lands are hereby authorized to cause to be appraised and sold in the same manner that university lands have been heretofore appraised and sold, two sections of university lands in Grant county, and the governor is hereby authorized to appoint three commissioners to appraise the same, who shall perform their duties in pursuance of previous laws on that subject, and receive the same compensation that has heretofore been by the state for similar services, and a sum sufficient to pay the same is hereby appropriated out of the university fund.

Approved April 1, 1854.

Chap. 82.

AN ACT *to authorize the Librarian to purchase Reports of the Supreme Court.*

Published, May 6, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To purchase reports.

§ 1. The state librarian is hereby instructed and authorized to purchase of Daniel H. Chandler one hundred copies of the reports of the decisions of the supreme court of the state of Wisconsin for the years 1849 and 1850, to be deposited in the state library, and distributed according to the provisions of chapter 22, section 2, of the revised statutes.

§ 3. Said reports shall be bound in one volume, in good workmanlike manner, and embrace the decisions of the years 1849 and 1850, and shall be furnished at the rate of

three dollars per volume—and payment shall not be made until one hundred copies of said reports shall be delivered to the governor or the secretary of state.

§ 3. This act shall take effect immediately after the compliance with the provisions thereof.

Approved, April 1, 1854.

Chap. 83.

AN ACT *to appropriate to Daniel H. Chandler the sum therein named.*

Published, May 6, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. The state treasurer is hereby authorized to pay to Daniel H. Chandler, the late reporter of the decisions of the supreme court, out of any money in the treasury not otherwise appropriated, the sum of three hundred dollars, in full compensation and satisfaction for one hundred volumes of the decisions of the late supreme court, being volume four of such decisions, for the year eighteen hundred and fifty-two; but such payment shall not be made until one hundred bound copies shall be delivered to the governor or to the secretary of state, for the state of Wisconsin, in conformity with title eight, chapter twenty-two, of the revised statutes. Amount appropriated.

§ 2. This act shall take effect immediately after the compliance with the provisions thereof.

Approved, April 1, 1854.

Chap. 84.

AN ACT *to provide for the purchase of the Reports of the Supreme Court.*

Published, May 4, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Governor to purchase reports.

§ 1. The governor is hereby authorized to purchase four hundred copies of the reports of the supreme court for the year one thousand eight hundred and fifty-three, at a price not exceeding four dollars per volume.

Mode of distribution.

§ 2. The copies purchased under the provisions of this act shall be disposed of as follows: one copy to each of the judges of the supreme and circuit courts, one copy to the clerk of the circuit court of each county in the state organized for judicial purposes, one copy to each of the administrative state officers, to be delivered over to their successors in office, one copy for exchange with each state of the United States, one for each of the departments of the United States government, and the remainder to be deposited in the state library.

§ 3. This act shall take effect from and after its passage.

Approved, April 3, 1854.

Chap. 85.

AN ACT *for the relief of William W. Brown.*

Published, May 8, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

§ 1. The governor of this state is hereby authorized to audit and settle upon just and equitable principles, the account of William W. Brown, for services as agent of this state in going to the city of Washington, and procuring

that portion of the grant of land made by congress to connect the waters of Lake Michigan and Rock River by a canal, sold by the late territory of Wisconsin, from being charged against the 500,000 acre grant made to this state by congress; and the sum of one thousand dollars is hereby appropriated out of the state treasury to the governor to pay the same.

Approved, April 1, 1854.

Chap. 86.

AN ACT *fixing the compensation of Supreme Court Reporter.*

Published, May 4, 1854.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

§ 1. The compensation of the reporter of the supreme court is hereby fixed at one thousand dollars per annum, which shall be payable quarterly out of any money in the state treasury not otherwise appropriated; said term to commence from the first day of June next. *Provided*, That this act shall not be so construed as to authorize the furnishing of any of the reports of the supreme court for any year heretofore authorized by any law of this state to be furnished. **Compensation of reporter.**

§ 2. The said reporter shall furnish the state library at publisher's prices, two hundred copies annually of said reports.

§ 3. This act shall take effect from and after its passage.

Chap. 87.

AN ACT *supplementary to "an act to provide for the more speedy collection and payment of fines, forfeitures and penalties remaining in the hands of Justices of the Peace," approved February* 21, 1850.

Published, May 5, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Gov. to appoint agents.

§ 1. For the purpose of carrying out the provisions of this act, the governor shall appoint so many agents as he may deem necessary, who shall hold their offices for the term of two years, respectively, unless sooner removed by the governor; and he shall prescribe and from time to time may alter and fix the limits of the districts within which such agents shall respectively act.

Duties of agents.

§ 2. It shall be the duty of each such agent so often as he may have reason to believe it necessary, to call for, demand, and receive, and when necessary to sue for and collect all moneys heretofore paid to or received by any county or town officer, or other person, on account of any fine, penalty, or forfeiture the proceeds of which belong to the school fund or state treasury, and which have not been paid over by such officer or person as required by law, and all moneys which shall be hereafter paid to or received by any such officer or person, and which shall not be paid over within the time required by law. The production by such agent of his appointment, or of a copy thereof, certified by the secretary of state under the seal of the state, shall be *prima facie* evidence of his authority to make such demand.

§ 3. Any officer or person who has heretofore received any moneys specified in section two of this act, and who has failed or shall fail, as the case may be, to

pay over the same as required by law, and who shall fail to pay over the same to any such agent, lawfully demanding the same, shall be deemed to be guilty of an embezzlement thereof, within the meaning of section twenty-six of chapter one hundred and thirty-four of the revised statutes; and it shall be the duty of such agent, forthwith to cause prosecution therefor to be commenced against such delinquent officer or person. All suits and proceedings under this act shall be conducted according to the existing laws in respect to similar suits and prosecutions.

Penalties for embezzlement.

§ 4. Such agent before receiving his appointment shall execute to the state treasurer a bond in such amount and form and with such sureties as the governor may prescribe and approve, conditioned for the faithful performance of his duties under this act, and for the payment of all moneys collected by him into the state treasury. He shall be entitled to retain in full for his services, and all other expenses, thirty per cent. out of the moneys collected by him, and shall pay the balance into the state treasury on the first day of January, April, July, and October in each year; and shall at the same time file with the treasurer a detailed statement, verified by affidavit, showing all the sums so collected by him, the officer or person from whom received, the time of receiving the same, and the person from whom the fine, penalty, or forfeiture was recovered.

Agent to execute bond.

Compensation.

§ 5. Every such agent shall have full power and authority to inspect and examine all records or papers of any court or officer concerning the proceedings in any suit instituted for the recovery of any fine, penalty, or forfeiture, or showing the disposition which has been made of any moneys received therefor.

§ 6. This act shall take effect from and after its passage and publication.

Approved, April 3, 1854.

Chap. 88.

AN ACT *to provide for International Literary exchanges with Mons. Alexander Vattemare of Paris, France.*

Published, May 2, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Volumes to be annually sent.

§ 1. Fifty bound volumes each of such of the several publications of this state as the governor may designate, be until otherwise provided, annually sent to Mons. Alexander Vattermare, the general agent of international exchanges, at Paris, France, under the direction of the governor and through the medium of the state historical society. And there is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient to meet the expenses of transmitting said volumes, not exceeding one hundred dollars per annum, to be drawn from the treasury on the warrant of the governor.

Volumes donated to historical society.

§ 2. Thirty bound copies each of the several publications of this state be and the same are hereby annually donated to the state historical society with which to augment its library by effecting exchanges with other societies and literary institutions, and that the same shall be delivered to said society by the secretary of state.

§ 3. This act shall take effect and be in force from and after its passage.

Approved, April 3, 1854.

Chap. 89.

AN ACT *to amend Article Four of the Constitution.*

Published, April 25, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. Section four of article four, of the constitution is hereby so amended as to read as follows: The members of assembly shall be chosen biennially, by single districts on the Tuesday next succeeding the first Monday of November, by the qualified electors of the several districts; such districts to be bounded by county, precincts, town or ward lines to consist of contiguous territory and so be in as compact a form as practicable. Election of members of assembly.

§ 2. The last clause of section five of said article is hereby so amended as to read as follows: The senate districts shall be numbered in regular series. The senators chosen by the present odd numbered districts, in the year 1854, shall hold their offices until the last day of December, one thousand eight hundred and fifty-six. The senators chosen by the present even numbered districts, in the year eighteen hundred and fifty-five, shall hold their offices until the last day of December, one thousand eight hundred and fifty-eight. Thereafter senators shall be chosen for the term of four years, but the legislature at any new appointment, shall so classify the senators to be elected from any additional senate district, which may be formed, that the term of office of all senators elected from even numbered districts shall expire at the same time, and the term of office of all those elected from odd numbered districts shall expire at the same time. Amendment to section 5 of article 4.

§ 3. Section eleven is hereby so amended as to read as follows: The legislature shall meet at the seat of government once in two years, and not oftener, unless convened by the governor. Section 11, how amended.

§ 4. The above amendments are hereby submitted to the people of the state in the following manner: At the general election on the Tuesday next succeeding the first Mode of submission.

Monday of November next; each elector may vote for or against the first of the above amendments by depositing a ballot containing the following words: "For amendment to section four," or "against amendment to section four," and for or against the second of the above amendments, by depositing a ballot containing the words: "for amendment to section five," or "against amendment to section five," and for or against the third of the above amendments by depositing a ballot containing the words "for amendment to section eleven," or "against amendment to section eleven," and the votes given by any elector for or against any or all of said amendments, shall be on one ballot, and shall be deposited in a separate box prepared for the purpose. The qualification of the electors shall be the same, and the votes so cast shall be canvassed and returned in the same manner as in election for state officers, and the same notice of the submission shall be given; and if a majority of the electors voting on either of the above amendmements, shall vote in favor thereof, it shall thereafter be a part of article four, of the constitution of this state.

Mode of balloting.

§ 5. The first session of the legislature after the adoption of the above amendments, or either of them, by the people, shall be held in the year 1855.

Approved, April 3, 1854.

Chap. 90.

AN ACT *to amend Chapter four hundred and seventy-seven of the Session Laws of the year* 1852.

Published, May 2, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. Section two of chapter four hundred and seventy-seven of the session laws of 1852 is hereby so amended that the state prison commissioner shall be and he is hereby authorized to appoint one person to perform the duties

Officers appointed by State Prison Commissioner.

of turnkey of the prison, one person to be gate keeper, eight guards, and one overseer of each department of mechanical labor which is or may be established in the prison for the benefit of the state—all of which officers so appointed shall hold their offices during the pleasure of the commissioner.

Compensation of Deputy Warden, etc.

§ 2. Section five of said chapter four hundred and seventy-seven is hereby so amended, that the deputy warden and clerk of the state prison shall receive as a compensation for his services two dollars and fifty cents per day, the overseers of the stone department two dollars per day, the turnkey, guards, gate keepers, and each officer in each department of mechanical labor, except the stone department, one dollar and twenty-five cents per day, and the overseer in the cook's department one dollar and fifty cents per day.

§ 3. All acts or parts of acts contravening the provisions of this act are hereby repealed.

§ 4. This act shall take effect and be in force from and after its passage.

Approved, April 3, 1854.

Chap. 91.

AN ACT *to amend an act entitled an act to incorporate the Wisconsin Institute for the education of the Deaf and Dumb.*

Published, May 4, 1854.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Officers of the corporation.

§ 1. Section seven of chapter four hundred and eighty, of the laws passed in the year of our Lord one thousand eight hundred and fifty-two, is hereby amended so as to read and be as follows: The officers of the corporation shall be, a president, secretary and treasurer, who shall be appointed by the board of trustees, the president to be

Compensation of trustees.

elected from their own number. The trustees shall receive the sum of two dollars per day, each, for their services for every day actually employed in the discharge of their duty as such trustees, from the commencement of such service, to be paid out of the state treasury in each year, but nothing shall be paid out of the treasury for any services rendered previous to this date.

§ 2. This act shall take effect from and after its passage.

Approved, April 3, 1854.

Chap. 92.

AN ACT *to amend chapter* 381 *of the Session Laws of* 1852.

Published May 2, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. The second section of chapter three hundred and eighty-one of the session laws of 1852, is hereby so amended as to read as follows:

Distributing documents to literary institutions.

"Sec. 2. The state librarian shall deliver to said literary institutions one copy each of the laws, journals, and other documents hereafter printed by order of the legislature, within ninety days after publication; or in case a sufficient number of any of such books or documents be not authorized to be deposited in the state library, and be deposited with the secretary of state, then the said secretary shall deliver to said literary institutions such volumes as are provided for in this act."

§ 2. This act shall take effect immediately after its passage.

Approved, April 3, 1854.

Chap. 93.

AN ACT *to amend chapter eighty-six of the Revised Statutes, and for other purposes.*

Published, April 11, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. All the provisions of chapter eighty-six of the revised statutes, and all other provisions of law conferring upon county courts jurisdiction to try and determine civil actions, appeals, or certioraris, are hereby repealed: *Provided*, That this act shall not affect the jurisdiction of said court in respect to probate matters or proceedings, and shall not apply to or affect the county court of the county of Milwaukee.

Civil jurisdiction of county courts repealed.

Proviso.

§ 2. There shall be held in each county of this state organized for judicial purposes, such number of jury terms and of law terms of the circuit court as the legislature may from time to time deem necessary, and provide for not less than two terms in each year. At such law terms the court may hear and determine all motions and questions of law, all suits or proceedings in equity, or other business not requiring a trial or inquest by a jury.

Terms of circuit court.

§ 3. This act shall take effect on the first day of July next, and all suits and proceedings then pending and undetermined in any such county court, and which by the provisions of this act such court is not authorized to try and determine, shall forthwith be transferred to the circuit court of the same county, and by virtue of this act shall be deemed to be pending therein, and shall thereafter be proceeded with, tried, determined, and completed in the same manner as if originally commenced in or appealed to said circuit court.

Suits transferred to circuit court.

Approved, April 3, 1854.

Chap. 94.

AN ACT *to amend chapter* 504 *of the Session Laws of* 1852.

Published, May 1, 1854.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Rules for printing laws.

§ 1. Instead of printing the names of the president of the senate and speaker of the assembly at the end of the volume of laws, as provided in section fourteen, chapter five hundred and four of the session laws of 1852, there shall be prefixed to each volume of laws hereafter published, the name and residence of the several state officers, the senators and members of assembly, and the presiding officers and clerks of both branches of the legislature, at the time of the passage of such laws.

Distribution of journals.

§ 2. Six hundred copies of the journal of each house of the legislature shall hereafter be printed to be distributed as follows: one copy to each state officer and member and officer of the legislature; one copy to the governor of each state and territory for the library thereof; one copy to the register of deeds of each county, to be preserved in his office, and thirty copies to the state library to be preserved therein.

Safe keeping of revised statutes, etc.

§ 3. The revised statutes, session laws, journals, and documents remaining after the distribution provided by law, shall be safely kept by the secretary of state for the use of new counties and towns as they shall become entitled to receive the same. *Provided*, That thirty copies of every publication of the state and territory of Wisconsin shall remain in the state library. *Provided also*, That one copy of each of said publications shall be distributed to the bank comptroller, each justice of the supreme court, the state prison commissioners, and the library of the state historical society.

Approved, April 3, 1854.

Chap. 95.

AN ACT *concerning Treasurers.*

Published, June 1, 1854.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

§ 1. It is hereby made the duty of every county treasurer to keep a full, true, and correct account of all moneys by him received for taxes paid to him, and upon redemption of lands from sales thereof for the non-payment of taxes in which amount shall be stated the name of the person or officer who and for whom the money is paid, the time when, and a description of the property whereon the taxes were to such treasurer paid.

Treasurer to keep account of taxes, and person for whom paid.

§ 2. It shall be the duty of the clerk of the county board of supervisors, who is hereby declared to be the county clerk, to keep an account in like manner as is provided in the preceding section, as to all moneys by him paid over to the county treasurer; and also as to all moneys by him received for the redemption of land from sales thereof, and also as to all moneys that he may receive in his official capacity for any purpose or in any amount whatsoever.

Clerk of county board to keep a similar account.

§ 3. The accounts so as aforesaid kept shall be and are hereby declared to be public records.

§ 4. This act shall take effect upon being printed after the passage thereof.

Approved, April 3, 1854.

Chap. 96.

AN ACT *to allow appeals from the decisions of the Register of the State Land Office in certain cases.*

Published, May 1, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appeals.

§ 1. In all cases where any person shall claim a pre-emption right to any land granted to this state to aid in the improvement of the Fox and Wisconsin rivers, which have been decided by the register of the state land office, it shall be lawful for any person feeling himself aggrieved thereby, whether such claim was contested before such register or not, to appeal to the circuit court of the county, where such land lies, at any time before the patent is issued thereon by the governor, pursuant to law.

Mode of bringing the appeal.

§ 2. The party bringing such appeal, shall serve a notice upon the person who has proved up his pre-emption claim before such register or upon some person in the possession of the premises in dispute, or in case no person shall be in possession of said premises, then by publishing such notice for six successive weeks in a newspaper printed in the county in which said land shall be situated, that he appeals from such register to the circuit court of such county, which notice shall be served as aforesaid, at least thirty days before the term of the circuit court at which the same shall be tried; said notice shall also specify the term of the court, at which the same will be brought to trial; said appellant shall at or before the time of serving or publishing said notice as aforesaid, file a copy thereof with the clerk of said court.

Bond to be given the opposite party

§ 3. The party bringing such appeal, shall execute and file with the clerk of the circuit court in which such land lies, a bond to the opposite party, with sufficient surety, to be approved by the circuit judge, of said circuit, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the appellant.

§ 4. The court in which any such appeals shall be tried, shall make an order awarding the land in question to the successful party and award cost against the losing party, and enter judgment therefor against such party for costs; said circuit court shall also ascertain, if either party require it, the value of the improvements made by any person upon such premises who claim a pre-emption right thereto, and who has obtained the certificate of the register of said land office pursuant to law, after the granting of such certificate.

Court to make an order awarding land to successful party.

§ 5. The cases provided for by this act may be removed to the supreme court, by appeal or writ of error as in other cases, and said court shall on the hearing of any such case, by order affirm or reverse the order of the court below.

Cases may be removed to supreme court.

§ 6. Upon the production of the order mentioned in the foregoing sections, certified to by the clerk of the proper court, that such determination has been made in favor of the party appealing, and also upon the production of the certificate of the clerk of said circuit court that said appellant has deposited with him for the use of the appellee, one dollar and twenty-five cents per acre for such land, together with interest thereon from the time the same was paid to the register or treasurer of said state land office, together with the value of the improvements thereon so found by said circuit court, in case there shall be any such improvements found to have been made thereon as aforesaid, to the governor of this state, it shall be his duty to give to the person to whom said land has been adjudged a patent under the seal of the state, and countersigned by the secretary of state, which shall vest in the purchaser, his heirs or assigns an absolute estate in fee simple.

Patent to be given to person to whom land is adjudged.

§ 7. Such circuit court shall proceed and ascertain from the proofs in such case which shall be offered before said court, which of said parties are entitled to the pre-emption right of said lands in dispute, without any pleadings or issue in such case, other than is provided in this act.

Court to ascertain which parties are entitled to pre-emption.

§ 8. Either party to said suit shall be entitled to have the same tried by a jury upon demanding the same as in other cases: *Provided*, This act shall not extend or apply to the county of Columbia.

§ 9. This act shall take effect and be in force from and after its passage.

Approved April 3, 1854.

Chap. 97.

AN ACT *to authorize the Secretary of State to make the proper entries in the books of his office for a final settlement with the Hon. S. Park Coon, a late Attorney General of this State, on account of Canal Land Mortgages.*

Published, May 2, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. The Secretary of State is hereby authorized and required to allow and credit to S. Park Coon, a late attorney general of this state, the amount paid by said Coon to the state treasurer, and the amount paid by him to Ephraim Mariner, Esq., on account of the collection of canal land mortgages that were placed in his hands as attorney general, in the year 1851; and to make the proper entries in the books of the office of secretary of state, to show such payments. Also, to credit the said Coon in the books of said office for the mortgages returned by said Coon, uncollected.

§ 2. This act shall take effect immediately.

Approved, April 3, 1854.

Chap. 98.

AN ACT *to appropriate money for the Postage of the several State Officers.*

Published, April 27, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation.

§ 1. There is hereby appropriated to the post master at Madison, out of any money not otherwise appropriated, the sum of twelve hundred dollars, or so much thereof as may be necessary to pay the postage of the office of gov-

ernor, secretary of state, state treasurer, state superintendent, bank comptroller, attorney general, and clerk of the supreme court, for the year 1854, to be drawn quarterly from the treasury, upon the presentation of the postage accounts properly certified to by their respective offices.

Approved, April 3, 1854.

Chap. 99.

AN ACT *for the protection of Logs and Lumber found floating on the Wisconsin River.*

Published, April 22, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. All logs, timber, shingles, and all kinds of lumber usually rafted and found floating on the Wisconsin river of this state, shall be subject to the provisions contained in this act. **Property subject to the act.**

§ 2. Any person or persons finding so floating and securing such logs, timber, shingles, or any kind of lumber as mentioned in the first section of this act, exceeding in value ten dollars, shall be entitled to demand and receive of the owner or owners thereof ten per cent. of the value thereof, as a compensation for their services in securing the same; the value thereof to be ascertained by the parties if they can agree upon the same, and in case of their disagreement the same to be ascertained by three disinterested persons, or a majority thereof, two of whom shall be selected by the parties interested, and the third by the persons so selected; and shall have a lien upon such floating lumber so secured by them to the amount specified in this section. **Compensation for securing such property.**

§ 3. Any person or persons finding and securing any logs, timber, or shingles, or any kind of lumber mentioned in the foregoing section of this act, shall immediately **To advertise such property.**

upon so finding and securing the same, or within ten days thereafter, advertise the same, giving a particular description thereof in kind, quantity, and quality, together with any mark upon such lumber so found and secured, in some weekly newspaper published in the county where the same may be so found, if any be so published, at least — weeks successively, and if there be no such paper published, notice shall be given by posting the same in at least four public places in the town where the same may be found and secured, at least six weeks successively; at the expiration of the time mentioned in this section for giving public notice, if such property shall remain unclaimed by the owner or owners thereof, they having failed to appear and make good their title thereto, the person or persons holding and advertising the same may proceed to sell the same at public auction, by giving at least ten days' notice of the time and place of such sale in some newspaper, or by posting up notices in at least three public places in the town where the same may be. The proceeds of such sale first to be applied in defraying all reasonable expenses incurred and contemplated by this act, and the balance to belong to the person or persons so finding and selling the same, unless claimed by the rightful owner or owners thereof within one year thereafter.

May sell unclaimed property at auction.

Disposition of proceeds.

§ 4. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not less than five nor more than one hundred dollars for each offence, or by imprisonment in the county jail not less than one nor more than three months, or by both fine and imprisonment, at the discretion of the court.

Penalties for violating this act.

§ 5. Justices of the peace shall have concurrent jurisdiction with the circuit court of all cases arising under this act, when the property claimed shall not exceed in value the sum of one hundred dollars.

§ 6. This act shall take effect from and after its passage.

Approved, April 3, 1854.

Chap. 100.

AN ACT *relative to the Counties of Chippewa, Clark, and Jackson.*

Published, June 1, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

§ 1. The town line between townships twenty-four (24,) and twenty-five (25,) north, hereafter shall be the boundary line between the counties of Chippewa, and Jackson; and all that portion of the counties of Jackson and Chippewa, lying and being north of the town line between townships twenty-three (23) and twenty-four (24) and east of the range line between ranges four (4) and five (5) west and south of the town line between townships thirty-one (31) and thirty-two (32) north, shall be and hereby is attached to and made a part of the county of Clark. Town line prescribed.

§ 2. At the general election of November next, the qualified electors of the county of Clark, as above bounded, shall have power to remove the county seat from its present location, on section two, of township twenty-four, of range two west, (Sec. 2, T. 24, R. 2, west,) to the west half of the north-west quarter of section number fourteen of township number twenty-four, of range number two, west (the west half of north-west quarter of Sec. 14, of T. 24, R. 2, west.) Removal of county seat.

§ 3. All votes given or cast upon said question of the removal of the county seat of said county of Clark shall be by ballot, which shall be either written or printed, or partly written and partly printed. Those voting for the removal of the county seat shall deposit a ballot in the following form: "For removal of County Seat," and those voting against the removal thereof, shall deposit a vote in the following form: "Against removal of County Seat" Such votes shall be received and canvassed and the returns thereof made in like manner as votes or ballots are received and canvassed for county officers; and if there shall be a majority of all the votes polled in said county Mode of balloting for removal.

on that subject in favor of such removal of the county seat, the county seat of said county of Clark shall be located and established on the west half of the north-west quarter of section fourteen, of township twenty-four, of range 2 west, (west half of north-west quarter of Sec 14, T. 24 of R. 2, west.) And if a majority of all the votes polled on that subject shall be against the removal of said county seat, the same shall remain at its present location.

Clark county attached to Jackson for judicial purposes.

§ 4. The county of Clark is hereby attached to the county of Jackson for judicial purposes.

Officers to be elected at the next general election.

§ 5. The county of Clark shall be and constitute one town, and the board of town supervisors shall be and constitute the board of county supervisors of said county. At the general election in November next, there shall be elected a register of deeds, clerk of the board of county supervisors, a county surveyor, a county treasurer, and such other county officers as shall be necessary to carry into operation a full and complete organization for county purposes. The returns of said election shall be made to the clerk of the board of town supervisors, who shall proceed to canvass the same both for county officers and relative to the county seat, in like manner as if he were clerk of the board of county supervisors, and shall issue certificates in like manner of the result of said election.

§ 6. This act shall take effect and be in force from and after its passage and publication.

Approved, March 23, 1854.

JOINT RESOLUTIONS

OF THE

SENATE AND ASSEMBLY,

OF THE STATE OF WISCONSIN—SESSION OF 1854.

No. 1.

JOINT RESOLUTION *in relation to Swamp Lands.*

Resolved, by the Senate and Assembly of the State of Wisconsin, That the senators and representatives in Congress from this state be and they are hereby requested to urge upon his excellency the president of the United States the immediate compliance of the honorable secretary of the interior with the provisions of the act of congress passed September 28, 1850, entitled "an act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits;" and that the governor of this state be requested to forward to his excellency the president of the United States, to the honorable secretary of the interior, and to each of our senators and representatives in congress a copy of this resolution.

Approved, February 14, 1854.

No. 2.

JOINT RESOLUTION *in relation to the State Prison.*

Resolved, by the Senate, (the Assembly concurring,) That the south wing of the state prison to be built at Waupun, be and the same is hereby required to be built of the length of two hundred feet, so as to contain at least two hundred and eighty cells, but in other respects as contemplated by the resolution of the senate and assembly, approved April 2d, 1853; this resolution, however, is in no wise to affect or to be construed as adopting or approving of any contract or contracts that may have been entered into by the late state prison commissioner with any person or persons, until such contracts shall have been approved by the governor, as required by law.

Approved, February 21, 1854.

No. 3.

JOINT RESOLUTION *relative to the State Prison grounds at Waupun.*

Resolved, by the Senate, (the Assembly concurring,) That the commissioner of the state prison at Waupun is authorized and instructed to proceed immediately to the building of a suitable fence around the prison grounds, without the formality of advertizing, as is now directed by law.

Approved, March 3, 1854.

No. 4.

JOINT RESOLUTION *in relation to D. D. Owen's Geological Survey of Wisconsin, Iowa, and Northern Illinois.*

Resolved, by the Senate and Assembly of the State of Wisconsin, That our senators in congress be requested to procure the senate of the United States to order a reprint of the report of D. D. Owen's survey of the mineral lands in Iowa, Wisconsin, and northern Illinois, with the accompanying illustrations, in the same style as the "Report of a Geological Survey of Wisconsin, Iowa, and Minnesota, &c., &c., by D. D. Owen, United States Geologist," published in 1852, by order of the U. S. Senate by Lippincott, Grambo & Co., which report was submitted by the president of the United States to the house of representatives, June 6, 1840, and is published in volume 4, part 2, of the executive documents of the second session of the 28th Congress, (Doc. No. 239.)

Resolved, That the governor of this state be requested to forward a copy of the foregoing resolution to each of the senators of this state.

Approved, March 8, 1854.

No. 5.

JOINT RESOLUTION *relative to old Soldiers.*

Whereas, The subject of the disposal of the public lands belonging to the United States has for sometime engaged the attention of public men; *And whereas*, the condition of the treasury does not require the proceeds of sale to be used for the ordinary purposes of government, *And whereas*, gratitude as well as justice to the soldiers who have been engaged in the wars of the Republic, has been deemed proper as manifested by the passage of act of Congress donating to soldiers of the late war

with Mexico, large tracts of land, *And whereas*, the soldiers of the war of 1812, are in every respect deserving of the same gratitude of the people, and a donation to them corresponding to their deserts, and the law granting to the Mexican soldiers would meet with general approval. *Therefore*

Resolved by the Senate and Assembly of the State of Wisconsin, That our Senators in Congress be instructed, and our Representatives requested to use their influence and vote for the passage of an act granting to each soldier one hundred and sixty acres of public lands in accordance with the request as published at the convention of soldiers, lately held in the city of Philadelphia.

Resolved, That the government of the United States should extend to the soldiers and widows of soldiers that remain of those who served in the last war with Great Britain, the benefit of the pension system that was created for and enjoyed by the soldiers and widows of the revolution.

Resolved, That the Governor be requested to forward a copy of the foregoing resolutions to each of our senators and members of congress.

Approved, April 3, 1854.

No. 6.

JOINT RESOLUTION *in relation to cheap Ocean Postage.*

Resolved by the Senate and Assembly of the State of Wisconsin, in Senate and Assembly convened, That it is the true policy of every National Government, to procure for its citizens the advantages of a regular and cheap correspondence with foreign countries, and that the establishment by all maritime nations, of a uniform rate of ocean postge, reduced to the lowest sum practicable, would tend to promote and extend the blessings of commerce and civilization, and to secure the peace of the world.

Resolved, That his excellency, the governor, be requested to transmit to the governors of the several states, and to our representatives and senators in congress, copies of these resolutions, to the end, that the government of the United States may be induced to co-operate in this important movement.

Approved, April 3, 1854.

MEMORIALS

OF THE

SENATE AND ASSEMBLY,

OF THE STATE OF WISCONSIN—SESSION OF 1854.

No. 1.

A MEMORIAL *to Congress for the establishment of a Mail route.*

To the Honorable, the Senate and House of Representa- of the United States, in Congress assembled.

The memorial of the Senate and Assembly, of the State of Wisconsin, respectfully represents:

That the interest and convenience of a large and densely populated portion of the country urgently require the establishment of a tri-weekly mail route from Pardeeville in Columbia county, via Montello in Marquette county and Dakota in Waushara county, to Stephens' Point, in Portage county. There now being a tri-weekly mail from Madison to Pardeeville, the establishment of this route would complete the connection between the great northern pinery and Madison, Galena and St. Louis, on much the best and shortest route, which can be obtained.

Your memorialists would therefore respectfully ask, that said route may be established as speedily as possible.

Approved, February 9, 1854.

No. 2.

A MEMORIAL *to the Postmaster General for increase of Mail service from Green Bay in Brown county, to Washington Harbor in Door county.*

To the Honorable the Post Master General of the United States.

The memorial of the Legislature of the State of Wisconsin, respectfully represents:

That the interest and convenience of a large portion of the citizens of this state, render it necessary to establish a weekly mail from Green Bay, in Brown county, to Washington Harbor, in Door county.

Your memorialists therefore respectfully ask that the mail service be established at the earliest period.

Approved, February 9, 1854.

No. 3.

MEMORIAL *to Congress for a Mail Route from Galena, Illinois by Potosi and Beetown to Prairie du Chien in Wisconsin.*

To the Honorable the Senate and House of Representatives in Congress assembled.

The memorial of the Senate and Assembly of the State of Wisconsin, sheweth:

That the interest and convenience of the north western, and western portions of this state require imperatively, the establishment of a weekly mail route from Galena, in the state of Illinois, by Potosi, Beetown, and Patch Grove in the county of Grant, to Prairie du Chien, in the county of Crawford.

Your memorialists would state that the large settlements of the western portion of this state, are subjected to much delay in communication, by the present mail route.

Your memorialists therefore request your honorable bodies to establish a post route on the above line, touching at the points aforesaid, and authorize the mail to be carried on said route tri-weekly.

Approved, February 10, 1854.

No. 4.

MEMORIAL *to Congress for an appropriation to complete the canal connecting the Mississippi River and the Grant River Slough, at Potosi, in Grant county.*

To the Honorable the Senate and House of Representatives, in Congress assembled.

The memorial of the Senate and Assembly of the State of Wisconsin, respectfully represents:

That Congress, by an act entitled "an act granting a section of land for the improvement of the Grant river at the town of Potosi, in Wisconsin Territory," approved June 15th, 1854, appropriated to the then territory of Wisconsin, a valuable section of land for the purpose of improving the navigation of the Grant River Slough, at the town of Potosi in this state. That the legislative assembly of the territory of Wisconsin, caused said section to be sold and the nett proceeds arising from said sale to be expended in the necessary clearing and grubbing of the land, and the excavation of a portion of the line of canal designed to be made, connecting the said slough with the Mississippi river.

Your memorialists further represent to your honorable body, that a careful and accurate survey and estimate of the contemplated improvement was made previous to the commencement of any work thereon, by Major Joshua Barney, an accomplished engineer of the United States army, and that from the estimate of the said engineer a

further sum of seventeen thousand three hundred and fifteen dollars will be amply sufficient to complete said improvement.

Your memorialists deem it unnecessary to enlarge upon the importance of said improvement to the interests of the western portion of this state, and the great and rapidly increasing commerce of the upper Mississippi, but would simply remark that the Potosi landing is the point from which a large amount of the products of the Wisconsin lead mines is shipped, and to which heavy shipments of merchandize are made during the season of navigation.

Your memorialists will further represent that the expenditure already made of the proceeds of the appropriation above referred to, was barely sufficient to commence the work, which will be entirely useless for the purpose of effecting said improvement unless an appropriation is made sufficient to complete the work according to the plan and specifications of the engineer.

Your memorialists therefore request that Congress will at its present session make an appropriation of the sum of seventeen thousand three hundred and fifteen dollars, for the purpose of completing said improvement.

Approved, February 11, 1854.

No. 5.

MEMORIAL *to Congress for a mail route from Prairie du Chien to Prairie du Sac.*

To the Honorable, the Senate and House of Representatives of the United States.

The Memorial of the Legislature of the State of Wisconsin respectfully represents.

That the interest and convenience of a large portion of the counties of Crawford, Richland, and Sauk would be greatly enhanced by the establishment of a weekly mail route from Prairie du Chien in Crawford county by the way of the Wisconsin River, on the north side thereof, to Prairie du Sac in Sauk county.

Your memorialists would represent that there is no mail on the north side of the Wisconsin River running east and west through the counties of Crawford, Richland and Prairie du Sac.

Your memorialists further state that it would be of great benefit to the people residing in that district of our State, many of whom are now destitute of mail facilities, and your memorialists are of the opinion that the establishment of the proposed mail route would be a source of revenue to the department, affording mail facilities to a portion of the State rapidly filling up with enterprising settlers.

Approved, Feb. 15, 1854.

No. 6.

MEMORIAL *for mail route from Dodgeville in Iowa county, to Prairie du Sac in Sauk county.*

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interest of a large and rapidly increasing number of citizens of Iowa and Sauk counties, require the establishment of a semi-weekly mail route from the town of Dodgeville, via Wyoming P. O. and Helena in Iowa county, and to Spring Green, Harris' Settlement, Sauk City, and to Prairie du Sac in Sauk county.

Approved, Feb. 21, 1854.

No. 7.

MEMORIAL *to the Post Master General for an increase of mail service from the city of Fond du Lac to the city of Oshkosh.*

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interest and convenience of the citizens of Oshkosh and the surrounding country are deeply interested in the establishment of a daily mail from the city of Fond du Lac to the city of Oshkosh in the county of Winnebago, a distance of about twenty-five miles, in the place of the present tri-weekly mail.

Your memorialists therefore respectfully ask that the aforesaid increase of mail service may be granted at the earliest practicable period.

Approved, Feb. 21, 1855.

No. 8.

MEMORIAL *to the President and Congress of the United States, relative to the Chippewa Indians of Lake Superior.*

To His Excellency the President of the United States, and to the Senate and House of Representatives in Congress assembled:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the inhabitants of the counties of La Pointe and Douglass have nearly unanimously signed a petition showing to your memorialists, that the Chippewa Indians in the region of Lake Superior are a peacable, quiet,

and inoffensive people, rapidly improving in the arts and sciences: that they acquire their living by hunting, fishing, manufacturing maple sugar, and agricultural pursuits: that many of them have intermarried with the white inhabitants, and are becoming generally anxious to become educated and adopt the habits of the "white man."

Your memorialists would therefore pray His Excellency, the President of the United States, to rescind the orders heretofore given for the removal of said Indians, and that such orders may be given in the premises, as shall secure the payment to said Indians, of their annuities at La Pointe, in La Pointe county on Lake Superior, that being the most feasible point therefor.

And your memorialists also pray that the Senate and House of Representatives in Congress assembled will pass such laws as may be requisite to carry into effect such design and orders; and to encourage the permanent settlement of those Indians as shall adopt the habits of the citizens of the United States.

And your memorialists firmly believing that justice and humanity require that such action should be had in the premises, will ever pray, &c.

Approved, February 27, 1854.

No. 9.

MEMORIAL *to Congress for a Mail Route from Watertown in Jefferson County, to Waupacca, in Waupacca County, and a tri-weekly mail on the same.*

To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled.

The memorial of the Legislature of the State of Wisconsin respectfully represents.

That the interest and convenience of a large portion of the counties of Marquette, Waushara and Waupacca are concerned in the establishment of a tri-weekly mail route from the city of Watertown, in the county of Jefferson,

by the way of Berlin in Marquette county, to Waupacca in Waupacca county, by the most direct and main traveled road.

Your me morialists would further represent that the esablishment of said mail route, and mail service thereon, will be a great convenience and accommodation to large portions of the inhabitants of Fond du Lac, Dodge, Marquette, Waushara and Waupacca counties.

Your memorialists would therefore respectfully ask that the aforesaid mail route may be established at the earliest practicable period.

r oved, February 27, 1854.

No. 10.

MEMORIAL *to the President and Congress of the United States, relative to certain lands not ceded by the Chippewa Indians to the General Government.*

To His Excellency the President, and to the Senate and House of Representatives in Congress assembled.

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That there is a tract of land about three fourths of a mile in width, from the St. Croix River to the St. Louis River, lying along the boundary line between the state of Wisconsin and territory of Minnesota, within said state of Wisconsin—the Indians' title to which has never been extinguished.

That the Chippewa Indians refuse to allow the government surveyors to complete their surveys; and also refuse to permit this state to exercise jurisdiction over said tract of land, greatly to the annoyance and injury of the citizens of this state.

Your memorialists therefore humbly pray that His Excellency, the President of the United States will cause such title to be extinguished, with all due diligence, to the end that no difficulties may arise between the state authorities and the Indians, or between the officers of this state, and those of the United States.

And your memorialists will ever pray, &c.

Approved, February 27, 1854.

No. 11.

MEMORIAL *to the Post Master General of the United States.*

To the Honorable, the Post Master General of the United States.

The memorial of the Legislature of the State of Wisconsin, respectfully represents:

That the interests and necessity of the citizens of Marathon, Portage, Marquette and Adams counties would be much advanced by your favorable consideration of this memorial, viz: the increase of mail facilities on the following routes:

Route, No. 13,794, from Portage City to Stevens' Point via Packwaukee—three times a week.

Route, No. 13,783, from Stevens' Point to Wausau—twice a week.

And that the following routes may be established:

From Dell Prairie, via Quincy, to Necedah in Adams county—once a week.

From Wausau to Jenny Bull in Marathon county—once a week.

Approved, February 27, 1854.

No. 12.

MEMORIAL *to the Senators and Representatives, in Congress assembled.*

To the Honorable, the Senators and Representatives in Congress assembled.

The memorial of the Legislature of the State of Wisconsin, respectfully represents:

That the interest and convenience of a large and well settled portion of this state would be greatly subserved by the establishment of a mail route on the Calumet road commencing at the village of Manitowoc, and terminating at Chillon in Calumet county in said state.

Your memorialists therefore respectfully ask, that the above mail route be immediately established, with such mail service thereon, as may be deemed necessary.

Approved, February 27, 1854.

No. 13.

MEMORIAL *to the Congress of the United States, for a Mail Route.*

The memorial of the Senate and Assembly of the State of Wisconsin respectfully represents:

That a large section of country in the south western portion of this state, with a numerous and increasing population, is not possessed of such mail facilities as the wants of the people imperatively demand.

Your memorialists would therefore pray your Honorable bodies to establish a mail route from Freeport in the state of Illinois, through Shullsburg, New Diggings, Benton and Hazle Green, in the state of Wisconsin, to Dubuque in the state of Iowa, and that the route be so established, as will insure to the people of said towns a regular tri-weekly mail.

Approved, February 27, 1854.

No. 14.

MEMORIAL *to Congress for the sale of certain lands and praying for the right of pre-emption to settlers thre-on.*

The Memorial of the Senate and Assembly of the State of Wisconsin respectfully represents;

That the even numbered sections of land on the Fox River, in the State of Wisconsin, and within three miles of said river, were reserved from sale in the year 1848 for the purpose of being donated to the State of Wisconsin, for the improvement of the Fox and Wisconsin rivers, and that with such expectation, settlers went on to said lands and made large and valuable improvements with the intention of making said lands a permanent residence for themselves and families;

That many of such settlers have made improvements on said lands worth from one to two thousand dollars, each of which they are in possession of at this time, and that such improvements or lands are not subject to taxation for any purpose whatever.

That such settlers are very desirous of obtaining titles to said lands upon which they have improvements as aforesaid, to secure their improvements for themselves and families.

Your memorialists therfoere would pray that said lands be brought into market either by the general government or by donation to the State of Wisconsin, to be disposed of as the State shall see fit; and that all of said settlers on said lands have the right of pre-emption to them who reside on said lands, or have improvements on the same, to the amount of fifty dollars, at the time of the passage of a law, by your Honorable body, on said subject.

Approved, March 1, 1854.

No. 15.

MEMORIAL *to the Post Master General, for the establishment of a Mail Route.*

To the Honorable, the Post Master General of the United States.

The Memorial of the Legislature of the State of Wisconsin represents;

That the interest and convenience of the citizens of a thickly populated portion of country, are greatly interested in the establishment of a weekly mail from Depere via. Jerusalem, in Brown county, to Manitowoc in Manitowoc county.

Your memorialists therefore respectfully ask, that the mail service asked for, be established at the earliest period.

Approved, March 1, 1854.

No. 16.

A MEMORIAL *to the Post Master General, for increase of Mail service, on Routes* No.'s 13,699, *and* 13,411.

To the Post Master General of the United States.

The Memorial of the Legislature of the State of Wisconsin respectfully represents;

That the interest and convenience of a thickly populated and extensive country, demand the establisment of increase of mail service on routes, No. 13, 699; and 711, so as to form a continuous daily mail route fr

Fond du Lac, via. Friendship, Black Wolf, Oshkosh, Vineland, Groveland, Neenah, Menasha, Appleton, Kaukauna, Wrightstown, and Depere to Green Bay.

Your memorialists therefore ask that the said increased mail service will be established at the earliest practicable period of time.

Approved, March 3, 1854.

No. 17.

MEMORIAL *to Congress for a Mail Route from Appleton to Waupacca.*

To the Honorable, the Senate and House of Representatives of the United States.

The Memorial of the Legislature of the State of Wisconsin respectfully represents;

That the interests of many citizens of a rapidly settling part of the State, will be promoted by the establishment of a mail route from Appleton, Outagamie county, along the plank road route via Hortonville, New London and Manchester, to Waupacca, Waupacca county.

Your memorialists therefore respectfully pray that the aforesaid mail Route may be established at the earliest practicable period.

Approved, March 8, 1854.

No. 18.

MEMORIAL *to Congress for a Mail Route.*

To the Hon. the Senate and House of Representatives of the United States, in Congress assembled.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interest and convenience of a large number of the citizens of the Counties of Dane, Iowa and La Fayette would be greatly enhanced by the establishment of a mail route from Madison, via Mt. Vernon, Primrose, Moscow, Fayette and Darlington to Shullsburg, distance, sixty miles.

Your memorialists would represent that the establishment of said mail route would be of the greatest importance to the people residing in that portion of the State.

Your memorialists would further ask that a semi-weekly mail service be granted on the aforesaid route, at the earliest practicable period.

Approved, March 16, 1854.

No. 19.

MEMORIAL *to the Post Master General for increase of service between Portage City and La Crosse.*

To the Honorable, the Post Master General of the United States.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the inierest and convenience of a large portion of the citizens, and residents of the counties of Columbia, Sauk, Adams, Bad Ax and La Crosse, in this State as well as the counties through the middle portion of the

State, would be greatly enhanced by the establishment of a mail, tri-weekly on mail route No. 13,785, between Barraboo, La Crosse and Onalaska, and the extension of said route so that the same commence at Portage City.

Your memorialists would further represent that an increase ofservice on said mail route would be of the greatest importance to the inhabitants residing in that portion of the State, the present weekly mail being entirely inadequate to the wants and convenience of that community.

There being a United States land office at La Crosse, and many of the persons residing upon said route having business therewith—

Your memorialists would further represent that the mails from Madison, the seat of government of Wisconsin can be more speedily and conveniently conveyed to the north-western counties in the State, on this route than any other in the state.

Your memorialists therefore respectfully ask that the increase of service and the extension of said route No. 13,785, may be established at the earliest practicable period.

The governor of this State, is requested to forward a copy of this memorial to the honorable Henry Dodge, and the honorable Ben C. Eastman, senator and representative of this State, in Washington, immediately on its passage.

Approved, March, 23, 1854.

No. 20.

A MEMORIAL *to Congress, for the establishment of a Mail Route therein mentioned.*

To the Honorable the Senate and House of Representatives, of the United States, in Congress assembled.

The Memorial of the Legislature of the State of Wisconsin respectfully sheweth:

That the interest and convenience of all the citizens of northern Wisconsin, lying east of Wisconsin River, as well as those settled along the Mississippi River and its tributaries in this state, would be greatly enhanced by the

establishment of a mail route from some point on the Wisconsin River, to intersect the mail route on the Mississippi River.

Your memorialists would represent that the establishment of such a mail route would be of the greatest importance to the people residing in the northern part of this state, there being no communication only by mails to the southern part of the state, and thence up the Mississippi, a distance of three or four hundred miles, while a direct route would only be about fifty miles to the nearest post office on the Wisconsin River, to Black River Falls

Your memorialists would therefore respectfully ask, that a mail route be established from the village of Plover in the county of Portage, via Grand Rapids on the Wisconsin River and Eagle Point on Yellow River, Black River Falls, to Onalaska, and La Crosse at the earliest practicable period.

Approved, March 23, 1854.

No. 21.

MEMORIAL *to the Post Master General for an increase of mail service between Beloit and Monroe.*

To the Honorable the Post Master General of the United States.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interest and convenience of the citizens of a large portion of the counties of Rock and Green require that the mail service between Beloit and Monroe, via Newark, Avon, Clarence and Juda, should be increased to a tri-weekly mail.

Your memorialists therefore respectfully ask that the said mail service be increased at the earliest period, believing, that the business of the community require it.

Approved, March 23, 1854.

No. 22.

A MEMORIAL *to the Post Master General for increase of mail services on Route No.* 13,791.

To the Honorable the Post Master General.

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That the present mail service between the city of Watertown in Jefferson county aud Portage City in Columbia county is altogether inadequate to the necessities of the business public, passing as it does through a portion of the country rich in agricultural resources, and thickly settled and between points whose business connnections are already of great importance and constantly increasing.

Your memorialists therefore respectfully ask that the services on the mail route above-referred to may be increased to a daily mail.

Approved, March 23, 1854.

No. 23.

MEMORIAL *to Congress for an extension of Mail Route* 13,677 *in the State of Wisconsin.*

To the Honorable the Senate and House of Representatives of the United States in Congress assembled.

The Memorial of the Legislature of the State of Wisconsin respectfully represents;

That the interest and convenience of a large portion of the citizens of the counties of Jefferson and Dodge, would be greatly enhanced by the extension of Mail Route 13,677, from Jefferson in the county of Jefferson, via Johnson's Creek Post Office to the city of Watertown.

Your memorialists therefore respectfully ask that the aforesaid mail route may be extended at the earliest practicable period.

Approved, March 23, 1854.

No. 24.

A MEMORIAL *to Congress for an appropriation for the establishment of a light house at Kewaunee.*

The Memorial of the Legislature of the State of Wisconsin respectfully represents;

That the Harbor of Kewaunee in Kewaunee county is situated on the west side of Lake Michigan on the route usually traveled and run over by the regular lines of steamers plying between New Buffalo via Chicago, Kenosha, Racine, Milwaukee, Sheboygan, Manitowoc, and Twin Rivers to Green Bay, and that it is for the safety of all crafts navigating lake Michigan upon the said route, and for the interest and benefit of commerce generally, and as a matter of trade and profit that such steamers and other crafts should land at the harbor of Kewaunee, yet the navigators find the landing to be dangerous and unsafe, and at the loss of many lives heretofore, in getting in and out of the said harbour during the night or in heavy weather in the day time. It is believed that the erection of a light house, at or near Kewaunee, would wholly remedy the evil, and remove the danger, so as to make the landing and navigation practicable at all seasons, and at all times, for any crafts navigating the waters of lake Michigan, or the entire chain of lakes.

Your memorialists therefore pray your honorable body to make an appropriation of ten thousand dollars or such other sum as may be sufficient for the erection and establishment of a light house, at or near Kewaunee, in Kewaunee county, and your memolialists as in duty bound, will ever pray, &c.,

Approved, March 25, 1854.

No. 25.

A MEMORIAL *to Congress for the establishment of a Mail Route.*

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled.

The memorial of the Legislature of the State of Wisconsin respectfully represents;

That the interest and convenience of a large number of the inhabitants of the county of Bad Ax require the establishment of a mail route from Viroqua, the county seat of the county of Bad Ax, via Bad Ax post office, and West Prairie to the village of Victory on the Mississippi River in said county.

Your memorialists would therefore, respectfully ask that the aforesaid mail route may be established at the earliest practicable period.

Approved, March 25, 1854.

No. 26.

A MEMORIAL *to the Post Master General for increased mail service from the city of Kenosha, to the village of Richland, in the State of Illinois.*

To the Honorable the Post Master General of the United States;

The memorial of the Legislature of the State of Wisconsin respectfully represents;

That the interest and convenience of a densely populated and extensive portion of country are concerned in the establishment of increased mail service on the mail route between the city of Kenosha, and the village of Richmond in the State of Illinois.

Your memorialists therefore respectfully ask, that semi-weekly mail service may be established on the mail route above referred to.

Approved, March 25, 1854.

No. 27.

MEMORIAL *for increase of mail service from Portage City, to Stevens' Point in Portage county.*

To the Honorable the Senate and House of Representatives of the United States.

The Memorial of the Legislature of the State of Wisconsin respectfully represents;

That the citizens of a densely populated portion of country labor under serious inconveniences, for the want of a semi-weekly mail on mail route No. 4,548, leading from Portage City, via Grand Rapids to Steven's Point in Portage County.

Your memorialists therefore respectfully ask your honorable body to grant the mail service required, at the earliest period.

Approved, March 31, 1854.

No. 28.

MEMORIAL *to Congress for a Mail Route,*

To the Honorable the Senate and House of Representatives of the United States of America.

The Memorial of the Senate and Assembly of the State of Wisconsin, respectfully represents;

That the interest and convenience of a large portion of the citizens of Dane and Green counties, would be greatly enhanced by the establishment of a tri-weekly mail route from Freeport in the state of Illinois, by way of Rock Grove, Spring Grove, and Albany, to Madison, in the state of Wisconsin, a distance of sixty miles.

Your memorialists therefore ask that said mail route may established at the earliest practicable period.

Approved, March 28, 1854.

No. 29.

A MEMORIAL *to Congress for mail service from Green Bay to Eldridge Mills in Oconto County.*

To the Honorable the Senate and House of Representatives of the United States.

The Memorial of the Legislatnre of the State of Wisconsin respectfully represents;

That the interest and convenience of the citizens of a thickly populated portion of country are concerned in the establishment of a weekly mail from Green Bay in Brown county, via Suamico, Pensuckey, Oconto to Eldridge's Mills, on the Oconto River, in the county of Oconto.

Your memorialists respectfully ask that the mail services asked for, may be granted at the earliest practicable period.

Approved, March 29, 1854.

No. 30.

A MEMORIAL *to Congress for mail services from Grand Rapids to Black River Falls.*

The Memorial of the Legislature of the State of Wisconsin respectfully represents;

That the citizens of a large portion of country are at present in great want of mail service from Grand Rapids in Portage county, to Black River Falls in Jackson county.

Your memorialists therefore respectfully ask your honorable body to establish a weekly mail route from Grand Rapids in Portage county, to Black River Falls in Jackson county, and they will ever pray, &c.

Approved, March 30, 1854.

No. 31.

MEMORIAL *of the Legislature of the State of Wisconsin, to the Congress of the United States, in relation to the "Homestead Bill," and praying a grant of the public lands to aid in construction of Railroads.*

The Legislature of the State of Wisconsin respectfully represents;

That they have observed with interest the progress and final passage through the House of Representatives, of the bill known throughout the nation as the "Homestead bill," and will hail its adoption as the the true national

policy for the disposition of the public lands, believing it to be the duty of every government, so to legislate, as to secure alike to every citizen so far as practicable, a homestead for himself and family, thereby equalizing wealth, and giving labor its just reward.

Your memorialists fully appreciate the importance to every state and community that highways for travel and transportation be constructed where nature has not provided them, so that frequent and easy intercourse may be had among the people; that agriculture, commerce, and the arts may be rapidly advanced; that our vast forests of pines, immense plains of prairies, and inexhaustible mines may be approached and made to yield by man's labor, to his wants; that the vast numbers of our fellow citizens who are now compelled to surrender their labor to capital for a mere suubssistnce, may speedily find a home on the great domain of our nation; therefore pray, that sufficient of the public lands may be donated to this State to aid in the construction of raiiways therein, so that the whole State may be thereby benefitted, and the public domain speedily settled. *Provided always;* That such donation shall be under the control of the state, with full power to direct the price, and manner of selling the lands so donated.

Your memorialists entertain the opinion, that the great benefit to be thence derived to our landless fellow citizens will be hastened and enhanced by the speedy construction of these great highways through the vast regions of the public domain to be traversed by them; that the whole state will thereby be greatly benefitted in its present condition and future development; and that the value of the remaining government lands will be materially increased, and their sale more speedily effected.

Provided, That any lands granted shall be constantly open to entry by actual settlers, at a rate not exceeding one dollar and twenty-five cents per acre, and in quantities not exceeding one hundred and sixty acres to any single individual.

And your memorialists will ever pray &c.

Approved, March 30, 1854.

No. 32.

A MEMORIAL *to Congress for a Mail Route from Green Bay, Brown county, to Washington Harbor in Door county.*

The Memorial of the Legislature of the State of Wisconsin respectfully represents;

That the citizens of a large portion of country are at present in great want of a mail route from Green Bay in Brown county, to Washington Harbor in Door county.

Your memorialists therefore respectfully ask your honorable body to establish a weekly mail route, from Green Bay, Brown county, to Washington Harbor, in Door county, and they will ever pray, &c.

Approved, April 1, 1854.

No. 33.

A MEMORIAL *to Congress for a grant of land for the benefit of a State Lunatic, a State Blind, and State Deaf and Dumb Asylum.*

To the Honorable the Senate and House of Representatives of the United States.

The memorial of the Legislature of the State of Wisconsin, respectfully represents:

That the rapid increase of the population of the state of Wisconsin has rendered it necessary in an early stage of its existence as a State, to provide institutions of humanity and charity; that the State of Wisconsin has as far as she has been able, manifested a praiseworthy and laudable zeal in responding to the calls of charity presented for

its consideration; that the Deaf and Dumb and the Blind Asylums have already been commenced, and partially provided for, and an Insane Asylum is much needed in this state; that the means necessary to endow and support these institutions, would be a heavy tax upon the citizens of the State, and that the means for that purpose cannot be raised without bearing heavily upon the tax payers.

The memorial would further represent that a large portion of the domain of the State, yet belongs to the general government, and is an immediate and direct source of revenue to the same; that a grant of at least five hundred thousand acres of land to the state of Wisconsin, to aid said state in founding and snpporting the several asylums before mentioned, would enable the state to releive the sufferings of many, who, without such aid must remain in a condition of deplorable misery; that Congress has heretofore granted to other and older states, aid similar to what is asked for the state of Wisconsin.

Your memorialists would therefore respectfully ask that a grant of land be made to the state of Wisconsin, for the benefit of the Lunatic Asylum, the Deaf and Dumb, and the Blind Asylum.

Approved, April 1, 1854.

No. 34.

MEMORIAL *to the Congress of the United States for the creation of a Western Judicial District of the United States, in the State of Wisconsin.*

The Memorial of the Legislature of the State of Wisconsin respectfully represents;

That the daily increasing population of the state of Wisconsin, and the wants and commercial business of the state has rendered the establishment of a Western Judicial District necessary to the exigencies and demands of the people.

That the location of the District Court of the United States for the State of Wisconsin being at Milwaukee on the extreme part of the state, renders the attendance of parties, jurors and witnesses at such court coming from the western portion of the state in a degree burdensome and very expensive, and at times and in many instances oppressive.

We therefore respectfully ask your honorable bodies that a law may be passed, authorizing the creation of a Western Judicial District for the State of Wisconsin, to be composed of such selection of counties as by a line as nearly central in the state as possible, as may be deemed expedient.

Approved, April 3, 1854.

No. 35.

MEMORIAL *to the Post Master General for increase of service on Mail Route No.* 13,773, *and Route No.* 13,-777.

To the Honorable, the Post Master General of the United States.

The Memorial of the Legislature of Wisconsin respectfully represents;

That the interest and convenience of a large number of the inhabitants of the counties of Bad Ax, La Crosse, andJackson, in the state of Wisconsin, would be greatly enhanced by the establishment of a tri-weekly mail, on mail route No. 13,773, and 13,777 between Prairie du Chein and Black River Falls, via Bad Ax, Viroqua, Springville, Coon Prairie, LaCrosse, Onalaska, Lewis' Mills, Douglass' Mills.

Your memorialists are satisfied that from the rapid settlement of the country through which said mail routes pass, their settlement by people from all portions of our common country, as well as foreign countries, the unparalleled increase of towns and villages, and the necessary

augmentation of business and correspondence require a tri-weekly mail route, the weekly route being entirely inadequate to the wants of the people, and the business of the country.

Your memorialists therefore respectfully ask that the aforesaid increase of service on said route may be established at the earliest practicable period.

The Governor of this state is requested to forward a copy of this memorial to the Hon. Henry Dodge and the Hon. Ben C. Eastman, Senator and Representative of this State, at Washington, as soon as practicable.

Approved, March 28, 1854.

[NOTE.—In preparing these acts for publication, where a superfluous word has been found in the enrolled acts, it has been printed in the text in *italics*, and enclosed in parentheses, (*thus.*) Where a word or clause has been found necessary to sustain the context, or where one word has been obviously mistaken for another, the word or clause supposed to be proper has been supplied, but in brackets, [thus;] adopting a plan heretofore adopted in publishing the laws, for the sake of uniformity.]

Errata.—Page 59, Chap. 49, Sec. 2, line 4, omit the word "*unless*," before the words "under the hand," &c.

Page 131, Chap. 89, Sec. 1, line 8, for "so," read *to*.

Same page, Sec. 2, line 11 and 12, for "appointment," read *apportionment*.

STATE OF WISCONSIN, }
SECRETARY'S OFFICE, } ss.

I, ALEXANDER T. GRAY, Secretary of State of said State, do hereby certify, that the laws published in this book have been compared with the original enrolled acts deposited in this office, and that they appear to be correctly printed.

In Testimony Whereof, I have hereunto set my hand, and affixed the Great Seal of said State, at the Capitol in Madison, this 30th day of June 1854.

L. S.

ALEXANDER T. GRAY,
Secretary of State.

APPROPRIATIONS.

No.	To whom and for what appropriated.	Amount.
1	John B. Jacobs, per diem and milage -	49 00
2	John K. Williams, chf. clerk (S.) - -	50 00
3	D. M. Miller, per diem, &c. - - -	38 00
4	D. N. Johnson, asst. clerk - - -	15 00
5	Edw. G. Ryan, int. judgment and costs -	3132 36
6	Chas. E. Jenkins, witness fees - -	92 40
7	Theodore Lund, painting banner - -	200 00
8	Chas. M. Kingsbury, sgt. at arms 1852 -	8 00
9	A. E. Elmore, witness fees - - -	70 64
10	James Halpin, services sup't property -	116 66
	" " Team hire - - -	30 00
11	Ole Aslaksen, cutting wood, &c. - -	60 25
12	M. Martin, services in full to Jan. 10, '54	86 73
13	Reiner Bergatz, cutting, splitting wood, &c.	105 13
14	W. H. Howard, sheriff, Rock - -	100 00
15	James K. Smith, witness fees - -	54 70
16	Wilson Graham, " " - -	33 20
17	Hall & Pierce, books for State Sup't -	116 25
18	Patrick McDuffy, cutting wood, &c. -	33 00
19	J. Halpin, Stationery - - - -	512 98
20	Pat. Cosgrove, Sheriff of Kenosha co. -	182 50
21	F. S. Lovell, witness fees - - -	45 20
22	Orlo B. Graves, Sheriff Brown co. - -	124 50
23	Lafayette Kellogg, press, &c. - -	149 19
24	" " clk. Sup. ct. - -	214 18
25	John O. Henning, Plats - - -	24 00
26	H. L. Page, Shff. Mil. co. - - -	370 00
27	Wm, P. Clark, Shff. Bad Ax - -	106 00
28	Livsey & Carroll, labor, &c. - -	34 94

No.	To whom and for what appropriated.	Amount.
29	Chas. M. Mumford, shff. Iowa - -	57 00
30	John W. Hunt, Wisconsin Gazetteer -	200 00
31	Jas. R. Doolittle, attorney fees - -	65 00
32	James Morrison, office rent, Wis. Ter. -	362 46
33	Livsey & Co., services, &c. building -	280 00
34	Turton & Sercomb, iron castings - -	40 57
35	Strong, Crappo & Russell, candles -	107 50
36	J. Wright, stationery - - - -	67 23
37	Campbell, Brush & Co., labor & materials	347 62
38	Tibbitts & Gordon, merchandise - -	1209 91
39	Memhard & Williams, painting - -	47 00
40	J. F. Birchard, furniture - - -	1228 24
41	Jesse M. Sherwood, sgt. at arms, Senate -	690 00
"	Wm. H. Gleason, " Assem. -	765 00
42	Bradford & Bro., merchandise - -	280 00
43	Thos. J. Otis, Sheriff - - - -	212 38
44	F. J. Blair, merchandise - - -	59 06
45	W. P. Barns, ser. State Prison Com. -	12 00
46	W. Slightam, Ice - - - - - -	45 00
47	La Crosse co., reward for Watts - -	200 00
48	Whittemore & Co., press & copy book -	16 50
49	N. J. Emmons, witness fees - - -	44 40
50	Perry Lee, shff. Columbia co. - -	50 00
51	Cary & Harrison, Printing - - -	200 00
52	R. Jenkinson, shff. Fond du Lac co. -	21 75
53	Chas. Piquette. pens - - - -	15 50
54	Geo. C. Pratt, witness fees - - -	27 40
55	D. Casey, " " - - -	73 60
56	D. Holt, stationery - - - -	84 55
57	R. B. Wentworth, publishing - -	14 00
58	Chas. B. Ellis, shff. Waukesha co. - -	85 12
59	" " " - -	52 50
60	Whittemore & co., stationery, Sup. ct. -	587 24
61	Wm. R. Smith, transcribing - -	400 00
62	Matthias Martin, night-watcher - -	365 00
63	D. Atwood & B. Brown, State Printing -	5947 64
64	State Prison Com., bal. to H. Brown -	1520 00
64	State Prison Com., indebtedness - -	5590 00
"	" " current expenses -	2500 00
65	Donaldson & Treadway, sundries - -	555 88
66	D. H. Chandler, witness fees - -	48 00
67	J. J. Loomis, taking testimony - -	22 73
68	J. Quintus, printing, - - - -	50 00

No.	To whom and for what appropriated.	Amount.
69	J. Quintus, printing, - - - -	50 00
70	Schœffler & Wendt, printing - -	100 00
71	Thos. J. Townsend, ex. trav. em'gt agt. -	1350 00
72	P. L. Mossin, engraving - - -	24 00
73	E. B. Wolcott, witness fees - - -	38 64
74	James Halpin, sundries - - -	831 60
75	T. D. Morris, shff. Racine co. - -	122 16
76	John Shaw, damages - - - -	1200 00
77	P. J. Fliescher, printing - - -	110 00
78	Tibbitts & Gordon, goods - - -	435 78
79	W. E. Cramer, printing and papers -	63 25
80	H. Powers, clk. hire, Treas. office - -	120 00
	H. W. Gunnison, " " - -	60 00
	A. S. Wood, " " - -	195 00
	J. Fitzgerald, " " - -	600 00
	E. B. Kelsey, " " - -	39 00
81	Darwin Clark, furniture - - -	321 72
82	J. C. Squire, plats - - - -	13 00
83	V. W. Roth, pens, &c. - - -	31 50
84	Chas. Wheeler, D. Sgt. at arms - -	30 00
85	Chf. clk. Senate - - - - -	750 00
	" Assembly - - - -	750 00
86	Wm. A. Wheeler & co., stationery -	48 50
87	Pat Hynes, carting wood - - -	16 00
88	A. D. Seaman, cushions - - -	54 00
89	James Halpin, services - - -	340 00
90	Strong, Crapo & Russell, candles -	85 07
91	D. S. Durrie, stationery - - -	24 86
92	C. B Ellis, coach hire - - -	9 00
93	A. Klauber & co., merchandise - -	12 96
94	F. J. Blair, furniture - - - -	20 53
95	B. K. Miller, copies of record - -	4 50
96	H. N, Smith, committee - - -	25 00
	C. A. Eldridge, " - - -	25 00
	Ed. Lees, " - - -	25 00
	Thos. West, " - - -	25 00
	M. J. Thomas, " - - -	25 00
97	W. M. Pyncheon, labor - - -	49 45
98	A. F. Cady, correct error - - -	50 00
	Deaf and Dumb, support - - -	2000 00
	" out buildings - -	2000 00
	" erection of Wing, - -	5000 00
	Wis. Inst. Blind, support - - -	3500 00

No.	To whom and for what appropriated.	Amount.
	Wis. Inst. Blind, construct central build'gs	12000 00
99	S. S. Conover, clothing State prisoners -	327 97
	" guarding - - -	495 00
100	Fratney & Hertzberg, Gov. Message, &c.	300 00
101	S. M. Booth, newspapers - - -	35 00
102	F. A. Utter, publishing - - -	17 00
103	Thos. Noyes, St. prisoners - - -	25 00
104	Cyrus D. Davis, witness fees - -	17 00
105	Schœffler & Wendt, publishing - -	43 00
106	J. D. Reymert, printing - - -	100 00
107	Jas. Kneeland, witness fees - - -	40 00
108	M. Martin, paste - - - - - -	50 00
109	M. L. Sayles, state prisoner - - -	28 00
110	Simeon Mills, selecting land - -	408 00
111	J. B. Cross, witness fees - . -	36 00
112	S. E. Foote, " " - - -	22 00
113	C. A. Single, and others, laying out road,	317 00
114	E. Burdick, witness fees - - -	20 00
115	Schœffler & Wendt, publishing - -	100 00
116	Jas. H. Rogers, witness fees - -	16 00
117	Chas. H. Larkin, printing - -	44 00
118	Beriah Brown, ag. society - - -	1875 00
119	Jesse M. Sherwood, sgt. at arms senate -	242 00
	W. H. Gleason, " " assembly	242 00
	Wilson Torey, asst. sgt. at arms assembly	174 00
	Bostwick O'Connor, Asst. sgt. at arms Sen.	174 00
	C. H. McLaughlin, " "	174 00
	D. G. Snover, under officer assembly	132 50
	Joseph Wilson, " " - -	132 50
	E. Q. Hummerston, " " - -	132 50
	D. L. Thayer, " " - -	132 50
	M. Ames, " " - -	132 50
	J. D. Smith, " " - -	132 50
	A. Prater, " " - -	132 50
	A. F. Pillips, " " - -	132 50
	Saml. Ritchie, under officer Senate -	132 50
	Saml. Pierce, " " - -	132 50
	Chas. Wheeler, " " - -	132 50
	John Burke, " " - -	132 50
	H. S. Nickerson, " " - -	132 50
	C. R. Knight, " " - -	132 50
	J. Slightam, messenger Assembly -	155 00
	J. Lemmon, laborer, capitol - -	207 50

No.	To whom and for what appropriated.	Amount.
	M. Martin, laborer, capital - -	207 50
	John Burt, " " - -	207 50
	Thos. Glin, Sr., " " - -	207 50
	Pat. Toland, clk. for committees - -	290 00
	H. Quarles, asst. libi arian - -	207 50
	Du Ray Hunt, clk, in Secty's office -	207 50
	R. F. Wilson, services - - -	10 00
120	J. Drummond, Witness fees - -	14 40
	Edward Button, " " - -	20 00
	J. E. Goodall, " " - -	14 00
	A. C. Ingham, " " - -	50 12
	C. Abbott, " " - -	8 00
	A. Mitchell, " " - -	58 00
	G. D. Dousman, " " - -	69 00
	C. Shepardson, " " - -	20 00
121	E. H. Janssen, bank work - -	500 00
122	S. Park Coon, costs " - -	677 86
123	J. C. Fairchild, crockery - -	15 37
124	B. F. Hopkins, telegraphing - -	22 50
125	Brown and Atwood, printing -	10,455 31
126	E. A Calkins, clk. committee - -	129 00
127	E. C. Hull, newspapers - - -	22 60
128	F. T. Hobbs, witness fees - - -	20 80
129	Jas. Halpin, stationery - - -	173 00
130	B. W. Griswold, witness fees - -	17 20
131	Rufus King & Co., newspapers - -	41 00
132	D. S. Durrie, stationery - - -	50 34
133	Benton & Garfield, stationery, 1840 -	219 00
134	S. M. Booth, newspapers, 1853 - -	35 00
135	Welstood, Hay & Co., engraving -	288 70
136	Darwin Clark, furniture - - -	61 50
137	James & Mariner, fees - - -	14 00
138	Weed & Eberhard, stationery - -	546 66
139	Weed & Eberhard, stationery - -	33 25
140	" " " - - -	832 76
141	A. Whittemore & Co., stationery -	84 80
142	J. K. Isman, impeachment - -	8 75
143	P. Kane, witness fees - - -	31 20
144	Seaton & Paul, newspapers - -	10 00
145	C, Foote, express chgs. - - -	112 90
146	D. Atwood, newspapers - - -	120 00
147	D. C. Bush, writing - - - -	182 00
148	R. W. Lansing, writing - - -	50 00

No.	To whom and for what appropriated.	Amount.
149	H. L. Page, shff. Mil. co. - -	160 00
150	Du Ray Hunt, writing - - -	10 00
151	John Crawford, a democrat, error in wit. fees	5 80
152	S. P, Coon, witness fees - - -	82 00
153	B. B. Ludlam, writing - - -	36 00
154	Levi Blossom, witness fees - -	72 00
155	W. S. Everts, solr's fees - - -	40 00
156	D. Scott, contesting seat - . -	116 15
157	Gray & Starks, ribbon - - -	7 81
158	Chas. C. Clement, newspapers - -	65 25
159	A. V. Fryer, compiling and indexing -	150 00
160	M. D. Miller, services as chaplain -	83 00
	H. B. Gardner, " " - -	83 00
	O. S. Comfort, " " - -	83 00
	Chas. Lord, " " - -	83 00
	H. P. Powers, " " - .	83 00
161	J. D. Welch, labor " - -	262 16
162	Lewis Crowfoot, arresting prisoner -	52 83
163	D. Holt, stationery - - - -	10 00
164	M. M. Wheedon, contesting seat -	62 00
165	H. Brown, milage, &c. - - -	187 00
166	Com. State Prison, expenses - -	7500 00
167	J. D. Morris, Shff. Racine co. - -	107 50
168	Weed & Eberhard, stationery - -	56 88
169	John Bullen, per diem, &c., St. P. Com.	106 08
170	J. C. Dowe, witness fees - - -	49 40
171	Columbia Co., for keeping Leahey -	68 85
172	W. S. Main, shff. Dane co. - -	498 87
173	James H. Knowlton & Jonathan E. Arnold, Attorneys and counsel in Imp't trial	2000 00
	J. S. Alban, per diem - . -	120 00
	B. Allen, " - - - -	120 00
	A. M. Blair, " - - - -	120 00
	M. J. Bovee, " - - - -	120 00
	C. Bashford, " - - - -	120 00
	T. Bowen, " - - - -	120 00
	J. R. Briggs, " - - - -	120 00
	J. W. Carey, " - - - -	120 00
	Chas. Dunn, " - - - -	120 00
	E. M. Hunter, " - - -	120 00
	G. R. McLane, " - - -	120 00
	E. Miller, " - - -	120 00
	J. Prentice, " - . - -	120 00

No.	To whom and for what appropriated.	Amount.
	B. Pinckney, " - - -	120 00
	D. C. Reed, " - - -	120 00
	H. N. Smith, " - - -	120 00
	J. W. Seaton, " - - -	95 00
	L. Sterling " - - -	120 00
	A. Stewart, " - - -	120 00
	D. S. Vittum, " - - -	120 00
	E. Wakely, " - - -	120 00
	J. T. Lewis, " - - -	120 00
	B. S. Weil, " - - -	120 00
	T. T. Whittlesey, - - -	120 00
174	Byron Sykes, safe for St. prison - -	150 00

STATE OF WISCONSIN, }
SECRETARY'S OFFICE, } ss.

I, ALEXANDER T. GRAY, Secretary of State, of the State of Wisconsin, do hereby certify that I have compared the foregoing list with the original acts of appropriations deposited in this office, and that the same is a complete list of all of the appropriations made at the last session of the Legislature, except such as are printed at length in this volume.

In Testimony Whereof, I have hereunto set my L. S. hand and affixed the great seal of the State, at the Capitol in Madison, this sixth day of April, 1854.

ALEXANDER T. GRAY,
Secretary of State.

INDEX.

A.

Agricultural Society.

PAGE.

Appropriation to, and how expended, ... 51
Duty of Executive Committee, ... 52

Agriculture.

Act for encouragement of, ... 51

Amendments.

Several laws relating to lands sold for taxes, . . . 78
Act authorizing Secretary of State to audit certain accounts, . 85, 99

Appeals,

From Register of State Land Office, ... 138

Appropriations.

To James Halpin, ... 26
To State Prison, ... 38
To J. N. Jones, ... 38
To Agricultural Society, ... 51
To Deaf and Dumb Institute, ... 59
To Blind Institute, ... 62
To pay for compiling Doc. History, ... 67
To Lunatic Asylum, ... 71
To Wm. Hull for railroad map, ... 76
For contingent expenses, ... 86
To D. H. Chandler, ... 125
For postage of State officers, ... 140
List of appropriations. 179

PAGE.

Assistant Secretary of State.

Appointment provided for, ... 77
Duties and salary, ... 77

Assistant State Treasurer.

Appointment provided for, ... 77
Duties and salary, ... 77

Associations.

Act of 1850, relative to amended, ... 36

B.

Bank Paper.

Unauthorised paper prohibited, ... 41
Penalty for violation, ... 41
Jurisdiction to try causes, ... 42
Contracts, when void, ... 42
Act of 1853 repealed, ... 42

Blind Institute.

Appropriation to, ... 63

Bank Register,

Appointment of, provided for, ... 74
Duties and salary, ... 75

Bank Comptroller's Office.

Contingent expenses provided for, ... 97

C.

Canal Land Mortgages.

Act relative to, ... 140

Capital Lands.

Expenses of appraising provided for, ... 22

Chippewa County.

Part of attached to Buffalo, ... 7
Act relative to, ... 143

PAGE.

Circuit Courts.

Eighth Circuit, how constituted, ... 17
Terms of Court, when holden, ... 18
Judge of, when elected, ... 18
Canvassing returns, ... 18
In case of tie, ... 18
Oath of Judge, ... 18
When Judge shall enter upon duty, ... 19
Powers and duties of Judge, ... 19
Times and places of holding Courts, ... 19
Change in Crawford county, ... 19
Special terms in, ... 20
Ninth Circuit organized, ... 94
Terms of Court fixed, ... 94
First election of judge, ... 94
Commencement of term of Judge, ... 95
Terms of Circuit Courts regulated, ... 135
Relative to transferring suits to. 135

Clark County.

Act relative to, ... 143

Constitution of the State.

Article four amended, ... 131

Contingent Expenses.

Provision for defraying same, ... 86

Coon, S. Park.

Relative to settlement with, ... 140

Costs.

Taxing of, in certain cases, ... 62

Counties.

Not organized for judicial purposes, ... 35

County Clerks.

Relative to duties of, ... 137

County Courts.

Concerning judgments and executions in, ... 37
Civil jurisdiction repealed, ... 135

County Treasurers.

Act relative to duties of, ... 137

D.

Dane County Court.

Jurisdiction increased, ... 27
Act increasing jurisdiction repealed, ... 64

Deaf and Dumb Institute

Appropriation to, ... 59
Act incorporating amended, ... 133
Compensation of Trustees, ... 134

PAGE.

Delinquent Tax List.

How act construed, ... 13
Money to be paid out, ... 13

Documentary History.

Appropriation for expenses of compiling, ... 67
Publication of, provided for, ... 74

Douglas County.

Created and boundary of, ... 14
Election, when held, ... 14
County seat located, ... 15
When may be organized for judicial purposes, ... 15
Time of holding Court in, ... 15
Election of County Judge in, ... 15
Providing for appraisal of School lands in, ... 82
Relative to pre-emption rights, ... 83

Dunn County.

Organized, ... 12
Boundary, ... 12
Attached to Chippewa for judicial purposes, ... 12
Location of county seat, ... 13

E.

Election of Judges.

An act concerning, ... 37
Change of time for holding same, ... 44
Proceeding in case of vacancy, ... 45
When term is about to expire, ... 45
Vote, when challenged, ... 45
Form of oath, ... 45
Penalty for illegal voting, ... 46

Executions.

Relative to issuing in Supreme Court, ... 62

F.

Fines, Forfeitures, &c.

Providing for speedy collection of, ... 128

Flax Seed.

Weight per bushel established, ... 56

PAGE.

G.

General Statutes.

Publication in newspapers authorized, ... 96

Governor's Private Secretary.

Salary fixed, ... 87

H.

Halpin James.

Authorized to purchase Stationery, ... 26
To give bond, ... 26

Hull, William.

Authorized to procure railroad map, ... 75

I.

Illegal Voting

Penalty therefor, ... 46

Insurance Cases.

Act concerning evidence in, ... 59

J.

Joint Resolutions.

Relative to swamp lands, ... 145
Relative to State Prison, ... 146
Relative to Prison grounds, ... 146
Relative to Owen's Geological Survey, ... 147
Relative to Old Soldiers, ... 147
Relative to Ocean Postage, ... 148

Jones, John N.

Appropriation to, for Postage, ... 47

Journals of the Legislature.

Distribution provided for, ... 136
Keeping of, provided for, ... 136

Judgments and Executions.

An act concerning, ... 37

Judges.

Change of time for election of, ... 44
When term shall commence, ... 53

PAGE.

L.

Lands sold for Taxes.

Several laws relating to, amended, ... 78

La Pointe County.

Providing for appraisal of School lands in, ... 82
Relative to pre-emption rights, ... 83

Logs and Lumber.

Protection of provided for, ... 141

Lunatic Asylum.

Act providing for, ... 69
Commissioners, how appointed, ... 69
Site, how procured, ... 69
Authority to erect buildings and plan, ... 69
Superintendent, how appointed, ... 70
Proposals for building to be published, ... 70
Salary of Superintendent, ... 71

M.

Mail Routes.

From Pardeeville to Stevens' Point, ... 151
From Green Bay to Washington Harbor, ... 152, 174
From Galena to Prairie du Chien, ... 152
From Prairie du Chien to Prairie du Sac, ... 154
From Dodgeville to Prairie du Sac, ... 155
From Fond du Lac to Oshkosh, ... 156
From Watertown to Waupacca, ... 157
From Portage City to Stevens' Point, ... 159
From Stevens' Point to Wausau, ... 159
From Dell Prairie to Necedah, ... 159
From Wausau to Jenney Bull, ... 159
From Manitowoc to Chilton, ... 160
From Freeport to Hazle Green, ... 160
From Depere to Manitowoc, ... 161
From Fond du Lac to Green Bay, ... 162
From Appleton to Waupacca, ... 163
From Madison to Shullsburg, ... 164
From Portage City to Onalaska, ... 165
From Plover to La Crosse, ... 166
From Beloit to Monroe, ... 166
From Watertown to Portage City, ... 167
From Jefferson to Watertown, ... 167
From Viroqua to Victory, ... 168
From Kenosha to Richmond, ... 169
From Portage City to Steven'sPoint, ... 170
From Freeport to Madison, ... 171
From Greebay to Eldredge Mill, ... 172
From Grand Rapids to Black River, ... 173

PAGE.

Memorials.

For mail route. 151, 152, 154, 155, 157, 159 160, 162, 163, 164, 165, 166, 169, 171, 173
For increase of mail service, . . 152, 156, 164, 167, 169, 170, 176
For appropriation to complete canal connecting Mississippi river and Grant river slough, at Potosi, ... 153
Relative to Chippewa Indians, ... 156
Relative to lands not ceded by Chippewas, ... 158
Relative to sale of certain lands donated for improvement of Fox and Wisconsin rivers, ... 161
For establishment of Light-house at Kewaunee, . . . 168
In relation to Homestead Bill, ... 172
For grant of land to Lunatic, Blind and Deaf and Dumb Institutes, 174
For Western Judicial District, ... 175

Milwaukee County Court

Jurisdiction increased, ... 72

Monroe County.

Organized, ... 43
Officers to be elected, ... 43
County seat located, ... 44
Writs, &c., how prosecuted, ... 44
Act organizing, amended, ... 57

O.

Oconto County.

Organized for judicial purposes, ... 21
Terms of court, when held, ... 21
Relative to returning writs, ... 21
First election of officers, ... 21
Elections thereafter, ... 22
Supervisors to procure copy of Records, ... 22

P.

Personal Property.

Act relative to injuries to, ... 64

Plank Roads.

Shall pay taxes 92
Forfeiture of companies, ... 93

Pleadings.

An act concerning; 55

Potatoes.

Weight per bushel established. 56

Railroad Companies.

Authorized to increase Stock, ... 88

Railroads.

Map of all located lines provided for, ... 75

LIST OF OFFICERS.

"SECTION 1. * * * There shall be prefixed to each volume of laws hereafter published the names and residence of the several State Officers, the Senators, and Members of the Assembly, and the Presiding Officers and Clerks of both branches of the Legislature, at the time of the passage of such laws."—*General Laws* 1854, *Chapter* 94.

NAMES AND RESIDENCE

OF THE STATE OFFICERS, SENATORS, MEMBERS OF THE ASSEMBLY, PRESIDING OFFICERS, AND CLERKS OF BOTH BRANCHES OF THE LEGISLATURE, IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

NAME.	OFFICE.	RESIDENCE.	
		NEAREST POST OFFICE.	COUNTY.
Wm. A. Barstow	Governor	Waukesha	Waukesha
Edward M. Hunter	Private Sec'y of Gov'r	Madison	Dane
James T. Lewis	Lieut. Governor	Columbus	Columbia
Alexander T. Gray	Secretary of State	Janesville	Rock
John W. Hunt	Asst. do	Madison	Dane
Edward [illegible]. Janssen	State Treasurer	Mequon River	Ozaukee
Daniel M. Seaver	Asst. do	Madison	Dane
Geo B. Smith	Attorney General	do	do
Hiram A. Wright	State Superintendent	Prairie du Chien	Crawford
Samuel G. Stacy	Asst. do	Madison	Dane
Wm. M. Dennis	Bank Comptroller	Watertown	Jefferson
A. Menges	Dep'y do	Madison	Dane
A. W. Starks	State Prison Com'r	Waupun	Dodge
August Kruer	State Librarian	Madison	Dane

NAME.	OFFICE.	RESIDENCE.	
		NEAREST POST OFFICE.	COUNTY.
John Q. Adams	Senator	Fall River	Columbia
Coles Bashford	do	Oshkosh	Winnebago
E. B. Bowen	do	Mayville	Dodge
Charles Clement	do	Racine	Racine
Amasa Cobb	do	Mineral Point	Iowa
Nelson Dewey	do	Lancaster	Grant
Charles Dunn	do	Cottage Inn	La Fayette
Charles A. Eldredge	do	Fond du Lac	Fond du Lac
William J. Gibson	do	Black River Falls	Jackson
H. H. Giles	do	Stoughton	Dane
B. G. Gill	do	Grafton	Ozaukee
L. P. Harvey	do	Shopiere	Rock
D. Howell	do	Jefferson	Jefferson
Jackson Hadley	do	Milwaukee	Milwaukee
Edwin B. Kelsey	do	Montello	Marquette
Joseph Loy	do	Green Bay	Brown
Edward McGarry	do	Milwaukee	Milwaukee
F. Paddock	do	Salem	Kenosha
James Rolfe	do	Jackson	Washington
J. D. Reymert	do	Denoon	Waukesha
James Sutherland	do	Janesville	Rock
David Taylor	do	Sheboygan	Sheboygan
T. H. West	do	Monroe	Green
E. Wakeley	do	Whitewater	Walworth
D. Worthington	do	Summit	Waukesha
S. G. Abbott	Member of Assembly.	Verona	Dane
E. Adams	do	Yorkville	Racine
Geo. Allen	do	Lima	Walworth
C. P. Barns	do	Burlington	Racine
James Bennett	do	Manitowoc	Manitowoc
Henry Blaizer	do	Mequon	Ozaukee
Joseph Bond	do	Mukwonago	Waukesha
John Boyd	do	Calumet	Fond du Lac
Luther Cary	do	Green Bush	Sheboygan
Reuben Chase	do	Wauwatosa	Milwaukee
W. Cole	do	Bee Town	Grant
Samuel G. Colley	do	Beloit	Rock
J. B. Cross	do	1st Ward Milwaukee	Milwaukee
R. H. Davis	do	Baraboo	Sauk
M. K. Delaney	do	Barton	Washington
Edwin Dewolf	do	Milwaukee	Milwaukee
D. L. Downs	do	Richmond	Richland
Jas. H. Earnest	do	New Diggings	La Fayette
Wm. H. Ebbetts	do	Fond du Lac City	Fond du Lac
Thomas Falvey	do	Racine	Racine
Wm. W. Field	do	Fennimore	Grant
A. Filer	do	Racine	Racine
James Fisher	do	Prairie du Chien	Crawford
George Gary	do	Oshkosh	Winnebago
John Gibb	do	Ixonia	Jefferson
Joseph Goodrich	do	Milton	Rock
B. F. Goss	do	Pewaukee	Waukesha
I. E. Goodall	do	4th Ward Milwaukee	Milwaukee
Harvey Grant	do	Tichora	Marquette

NAMES.	OFFICE.	RESIDENCE.	
		NEAREST POST OFFICE.	COUNTY.
W. Grant	Member of Assembly.	Hebron	Jefferson
John D. Griffin	do	Shields	Dodge
Smith R. Gunn	do	Prescott	Pierce
B. R. Harrington	do	Byron	Fond du Lac
S. P. Hollenbeck	do	Highland	Iowa
Daniel Hooper	do	Troy	Walworth
N. B. Howard	do	Magnolia	Rock
William Hull	do	Potosi	Grant
Willard Isham	do	Delavan	Walworth
Philander Judson	do	Bristol	Kenosha
N. M. Juneau	do	Theresa	Dodge
Amos D. Kirkpatrick	do	Dayton	Green
Peter Lavis	do	Greenfield	Milwaukee
Levi Lee	do	Elkhorn	Walworth
John Love	do	Mineral Point	Iowa
Morgan L. Martin	do	Green Bay	Brown
Walter D. McIndoe	do	Wausau	Marathon
F. G. Merriam	do	Lake Mills	Jefferson
A. Merrell	do	Charlestown	Calumet
Fred. Moscowitz	do	Milwaukee	Milwaukee
Jonathan Mosher	do	Stoughton	Dane
Edward O'Neil	do	Milwaukee	Milwaukee
Y. W. Parker	do	Metomen	Fond du Lac
Samuel Pratt	do	Spring Prairie	Walworth
Wm. H. Ramsey	do	Port Washington	Ozaukee
Alexander W. Randall	do	Waukesha	Waukesha
Q. B. Ribble	do	Horicon	Dodge
Patrick Rogan	do	Watertown	Jefferson
Samuel R. Rood	do	Packwaukee	Marquette
S. L. Rose	do	Beaver Dam	Dodge
John Ruan	do	Oak Creek	Milwaukee
Joliet Schwefel	do	Lebanon	Dodge
Joseph Schrage	do	Sheboygan	Sheboygan
J. M. Sherman	do	Burnett	Dodge
B. Smith	do	Erin	Washington
Perry H. Smith	do	Appleton	Outagamie
Chase A. Stevens	do	La Crosse	La Crosse
A. Taylor	do	Hazel Green	Grant
W. R. Taylor	do	Cottage Grove	Dane
George P. Thompson	do	Cross Plains	Dane
Absalom A. Townsend	do	Shullsburg	La Fayette
Alfred Topliff	do	Columbus	Columbia
A. H. Van Nostrand	do	Jefferson	Jefferson
Levi B. Vilas	do	Madison	Dane
N. H. Virgin	do	Platteville	Grant
Jesper Vliet	do	Milwaukee	Milwaukee
Solomon Wakeley	do	Whitewater	Walworth
Stephen Warren	do	Delafield	Waukesha
E. S. Welch	do	Neenah	Winnebago
W. T. Whirry	do	Shoneaw	Columbia
Joseph White	do	Cottage Inn	La Fayette
Geo. H. Williston	do	Janesville	Rock
C. C. Sholes, Speaker	do	Kenosha	Kenosha

PRESIDING OFFICERS AND CLERKS.

NAME.	OFFICE.	RESIDENCE.	
		NEAREST POST OFFICE.	COUNTY.
James T. Lewis	President of the Senate	Columbus	Columbia
Charles C. Sholes	Speaker of Assembly	Kenosha	Kenosha
Samuel G. Bugh	Chief Cl'k of Senate	Shullsburg	La Fayette
Wm. Pitt Dewey	Asst. do	Lancaster	Grant
David Atwood	Chief Cl'k of Assembly	Madison	Dane
N. M. Donaldson	Asst. do	Waupun	Fond du Lac

GENERAL LAWS

OF THE

STATE OF WISCONSIN,

TOGETHER WITH THE MEMORIALS AND RESOLUTIONS.

Chapter 1.

[*Published, March* 24.]

An Act to cede the jurisdiction of the State of Wisconsin over a certain piece of land therein described, to the United States,

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the jurisdiction of the State of Wisconsin over all that lot of ground situated, lying and being in the first ward of the city of Milwaukee, and bounded as follows, to wit: Commencing at the corner of Wisconsin and Milwaukee streets, thence west along Wisconsin street one hundred and twenty feet to an alley, thence north along said alley one hundred feet, thence east one hundred and twenty feet to said Milwaukee street, thence south along Milwaukee street one hundred feet to the place of beginning, being the south forty feet of lot five, and the whole of lot six, in block twelve in the first ward of said city, be, and the same is hereby ceded to the United States of America, and the same shall be exempt from taxation so long as it shall continue to be the property of the said United States: *Provided*, that this act shall in no wise destroy, impair, interfere with the jurisdiction of this state over wrongs, misdemeanors or crimes committed against the laws of this State, within the territory hereby ceded, nor in the service or execution of any legal process. Description of land ceded. Proviso.

SEC. 2. This act shall take effect from and after its publication.

Approved, January 25, 1855.

Chapter 2.

[*Published, April* 10.]

An Act to change the name of Joseph Kingston Bergstraser, to Joseph Kingston Burgster.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Joseph Kingston Bergstraser is hereby changed to Joseph Kingston Burgster, by which name he shall be hereafter known in law for all purposes whatever.

SEC. 2. This act shall take effect from and after its passage.

Approved, January 29, 1855.

Chapter 3.

[*Published March* 24.]

An Act to repeal chapter 432 of the Session Laws of 1852, and chapter 34, 53 and 56 of the General Statutes of 1853.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Repeal of Emigrant agencies.

SECTION 1. Chapter 432 of the session laws of 1852, entitled "an act to provide for the establishment of a commissioner of emigration for the state of Wisconsin, in the city of New York," is hereby repealed.

SEC. 2. Chapter 34 of the general statutes of 1853, entitled "an act to amend chapter 432 of the session laws of 1852, entitled an act to provide for the establishment of a commissioner of emigration for the state of Wisconsin, in the city of New York," approved April 17th, 1852, is hereby repealed.

SEC. 3. Chapter 53 of the general statutes of 1853, entitled "an act to regulate the duties and to provide for paying the salary of the commissioner of emigration, and the expenses of the office, and making an appropriation therefor," is hereby repealed.

SEC. 4. Chapter 56 of the general statutes of 1853, entitled "an act for the appointment of a travelling emigrant agent," is hereby repealed.

SEC. 5. This act shall take effect from and after its passage.

Approved, January 29, 1855.

Chapter 4.

[*Published March* 15.]

An Act to change the time for holding the Circuit Court in the counties of Marathon and Portage in the seventh judicial circuit.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Terms of court when held.

SECTION 1. The circuit court in the following named counties shall be holden at the time hereinafter mentioned, to wit: in the county of Marathon, on the third Monday of February and last Monday of August of each year: in the county of Portage, on the first Monday of March and the second Monday in September in each year.

When returnable.

SEC. 2. All process, proceedings and recognizances heretofore commenced or issued, or which may be commenced or issued, in or from said courts, or either of them, and all proceedings pending therein, or returnable thereto, whether by recognizance or otherwise, shall be held and taken as returnable at the times named in this act as the times for holding the said courts respectively.

SEC. 3. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

SEC. 4. This act shall be published immediately, and take effect from and after its passage.

Approved, January 29, 1855.

Chapter 5.

[*Published March* 28.]

An Act to cede the jurisdiction of the State of Wisconsin over certain lands to the United States.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Description of land ceded.

SECTION 1. That the jurisdiction of the State of Wisconsin over five acres or less of land which may be selected by an officer of the United States Government, for light-houses purposes, to be located at or near the mouth of Fond du Lac River, in the county of Fond du Lac, and State of Wisconsin, be and the same is hereby ceded to the United States for the purpose of maintaining a light-house upon the same: *Provided*, That this act shall in no manner take away or interfere with the jurisdiction of this state for the purpose of serving or executing any legal process.

Proviso.

SEC. 2. This act shall take effect from and after its passage.

Approved January 29, 1855.

Chapter 6.

[*Published March* 15.]

An Act to postpone the April Term of the Circuit Court for Outagamie county, for the year 1855, and changing the terms of the Circuit Court for said county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Terms of court When held

SECTION 1. The regular April term of the circuit court for the county of Outagamie, for the year 1855, is hereby postponed until the second Monday in May, of the same year.

When returnable.

SEC. 2. All writs of law or in chancery, venires, summons, process, indictments, recognizances, appeals, and all other proceedings whatsoever, made returnable or appertaining to the said April term of the said circuit court for the year 1855, shall be considered returnable, and apper-

taining to the May term of said court hereinbefore designated, as fully in all respects as though the same had been originally made returnable at the said term in May 1855: and all adjournments, appearances, continuances, motions and notices to said April term of said court shall be considered to appertain and belong to said May term of said court, any rule or law to the contrary, notwithstanding.

Change time holding courts

SEC. 3. Hereafter, the terms of the circuit court for the county of Outagamie, shall be held on the second Monday of May and third Monday of November, in each year.

SEC. 4. All writs at law or in chancery, summons, process, venires, indictments, recognizances, appeals, and other proceedings made returnable to the terms of said circuit court, now fixed by law, shall be returnable to the terms of said circuit court as the same are herein fixed; and all adjournments, appearances, continuances, motions and notices of any proceedings in said court, made or taken to any term of a date subsequent to the time when this act shall take effect, shall be held to be made and taken for the time herein fixed for holding the terms of said courts.

Repealing clause.

SEC. 5. So much of the act organizing the county of Outagamie for judicial purposes, approved March 15, 1852, as contravenes the provisions of this act is hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 14, 1855.

Chapter 7.

[*Published, March* 23.]

An Act to cede the jurisdiction of the State of Wisconsin over the lands therein described to the United States.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Description of lands ceded.

SECTION 1. That the jurisdiction of the State of Wisconsin over any tract of land at Port Ulao, which may be purchased and improved by the United States for the pur-

pose of erecting thereon a light house or beacon lights, and a keeper's dwelling, be, and the same is hereby ceded to the United States of America: *Provided*, That this act shall in no wise destroy or interfere with the jurisdiction of this state, for the purpose of serving or executing any legal process.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, February 13, 1855.

Chapter 8.

[*Published April 4.*]

An Act to authorize Town Clerks to certify to the State Superintendent the amount of money assessed for the support of Schools, and to provide for levying a tax in certain cases.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Town clerks to certify to state superintend'nt

SECTION 1. Those towns that have not assessed, by direction of the board of Supervisors, an amount equal to one half the amount received from the School Fund, at the last annual apportionment, shall and are hereby authorized to certify through the clerks of said towns to the State Superintendent, such additional amounts as have been assessed for the support of schools.

How deficiency to be supplied.

SEC. 2. Those towns that have not assessed by order of the County Supervisors, and in addition thereto a sum of money equal to one half the amount received from the School Fund, are hereby authorized to supply such deficiency by an immediate assessment upon the taxable property of said towns, of such sums as shall be necessary, the same to be estimated and directed by the Board of Supervisors of the respective towns, to be levied and collected in the same manner as other taxes, and certified by the town clerk to the State Superintendent, previous to the 10th day of March, 1855.

SEC. 3. The State Superintendent is hereby authorized to apportion to the different towns that comply with the

requisitions of this act such sums of money as they may be thereby entitled to.

SEC. 4. This act shall take effect on and after its passage.

Approved February 13, 1855.

Chapter 9.

[*Published, March* 29.]

An Act to change the time of holding the fall term of the circuit court of Jefferson county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for holding the fall term of the circuit court of Jefferson county, is hereby changed from the second Monday of October to the fourth Monday of September.

SEC. 2. This act shall take effect from and after its passage.

Approved, February 16, 1854.

Chapter 10.

[*Published March* 23.]

An Act to change the name of John Allcock to John All.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of John Allcock is hereby changed to John All, by which name he shall be hereafter known in law for all purposes whatever.

SEC. 2. This act shall take effect from and after its passage.

Approved February 17, 1855.

Chapter 11.

[*Published, March* 28, 1855.]

An Act to repeal an act entitled an act to organize the county of Oconto for Judicial purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sections repealed.

SECTION 1. Sections one, two, three, four and five of the act entitled an act to organize the county of Oconto for Judicial purposes, approved February 18th, 1854, are here. by repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Re-attached to Brown co. for judicial purposes.

"And the said county of Oconto is hereby re attached to the county of Brown for judicial purposes; *Provided*, That no proceedings commenced and had in the circuit court of said county of Oconto, under existing laws, shall be affected by this act, but the same may be proceeded in to consummation and final judgment in the circuit court of said Brown county.

Approved, February 17, 1855.

Chapter 12.

[*Published, March* 28.]

An Act to change the name of Anna Morley to Emma Carpenter.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Anna Morley, of the town of Madison, in Dane county, is hereby changed to that of Emma Carpenter, and by the last mentioned name she shall be hereafter known and recognized.

SEC. 2. The said Emma Carpenter, shall be known as the adopted daughter and heir of Stephen D. Carpenter, and his wife, Mary B. Carpenter, of said town of Madison, and entitled to all the rights and privileges, and subject

to all the duties of inheritance, support and maintenance, as fully and effectually, and in the same manner, as she might or should do, if she were the legitimate child of said Stephen D. Carpenter and Mary B. Carpenter.

SEC. 3. This act shall not take effect or be in force until the said Emma Carpenter, shall assent thereto in writing, under her hand and seal, and record the same in the office of the Register of Deeds, in and for the county of Dane.

Approved, February 17, 1855.

Chapter 13.

[*Published March* 19.]

An Act restoring the civil jurisdiction of the county court of La Crosse county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the civil jurisdiction of the county court of La Crosse county, is hereby restored in accordance with the provisions of chapter eighty-six of the revised statutes, and the said court is hereby authorized to try and determine civil actions, appeals and certioraris in accordance with such provisions of law as were in force in relation to the jurisdiction of county courts, on the first day of April, A. D. 1854. Jurisdiction restored.

SEC. 2. The county court of La Crosse county, in addition to the powers and jurisdiction conferred on county courts by chapter eighty-six of the revised statutes, shall have and exercise powers and jurisdiction within said county equal to, and commensurate with the circuit courts of this state, in all civil cases where the amount in controversy shall not exceed the sum of five thousand dollars. *Provided, however*, That nothing herein contained shall be so construed as to confer equity or criminal jurisdiction upon said court. Jurisdiction how increased. Proviso.

SEC. 3. Parties to causes shall have the same right to writs of error from said county court to the supreme court as is now allowed by law from the circuit courts of this state. Parties have same rights to writs of error.

Petit jurors.

SEC. 4. A panel of jurors for each term of said court shall be drawn in the same manner as now is or hereafter shall be provided by law for circuit courts of said county, and the persons serving on such panels of petit jurors shall be paid at the same rate, and in the same manner as is now or hereafter shall be provided by law for the payment of petit jurors in the said circuit court of La Crosse county; and jurors for the trial of issues shall be drawn, empannelled, and sworn in the same manner as in the circuit court of this state; and said county court shall have, exercise, and use the same process for summoning such petit jurors as is now or may hereafter by law be used by the circuit court of this state.

Fees of judge.

SEC. 5. The fees and compensation of the judge of said county court, shall be as provided for judges of county courts, in chapter one hundred and twenty-one of the revised statutes, except that for all services in a cause wherein judgment is confessed by defendant, or cause disposed of without a trial, on the merits, or return of process, he shall receive two dollars for all services on a trial of a cause with a jury, including receiving and entering verdict, and rendering judgment; or if the jury are discharged, and a new trial ordered, or a cause otherwise disposed of, three dollars and fifty cents for hearing.

Jury terms

SEC. 6. The jury terms of said court shall be held on the third Monday of May, September and January, making three jury terms in each year.

May hold special or adjourned terms.

SEC. 7. The judge of said court shall have the same power to hold special adjourned terms of his court, as is now, or hereafter may be conferred upon the circuit courts of this state; and the said county court shall have the same power to issue special venires, and to summon talesmen to serve upon juries therein, as is now or hereafter may be conferred upon the said circuit courts of this state.

SEC. 8. The said county court of La Crosse county shall have and exercise all the powers of the circuit courts of this state in issuing final process, writs of attachment, and the whole subject of garnishee as now provided by law, and all laws and statutes relating to the same, shall be deemed to apply to said county court.

SEC. 9. All acts and parts of acts contravening the provisions of this act are hereby repealed, so far as may relate to the county of La Crosse.

SEC. 10. This act shall take effect and be in force from and after its publication.

Approved, February 24, 1855.

Chapter 14.

[*Published March* 15.]

An Act to change the time of holding the Circuit Court in Waupacca County, in the Seventh Judicial Circuit.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The spring term of the circuit court, in the seventh judicial circuit, for the county of Waupacca, shall hereafter be held on the third Monday of April, in each year.

SEC. 2. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 14, 1855.

Chapter 15.

[*Published March* 2.]

An Act to amend the third section of the act for the quieting of Tax Titles, approved April 19, 1852.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All persons are authorized to redeem land sold for taxes and which have heretofore been deeded, or may hereafter be deeded, their heirs, devisees, executors, administrators, or legal representatives, under and by virtue of the third (3) section of the act hereby amended, may pay the amount required to be paid or tendered by

How may be redeemed.

said section, to the clerk of the board of supervisors for the county wherein the lands to be redeemed are situated, for the use of the party holding such tax title, and such payment shall have the same effect as if made to the said party personally.

Duties of clerks.

SEC. 2. The clerk of the board of supervisors on receiving the amount mentioned in the preceding section, shall execute a receipt to the party making such payment, mentioning the name of the grantee in such deed, describing the lands intended to be redeemed, and the amount by him received, and which receipt shall be evidence in all cases of the facts therein contained; and, if recorded as hereinafter stated within the time of redemption provided by the third section of the act hereby amended, shall have the effect fully to vacate and annul such deed and discharge all interest of the grantee, and his heirs, assigns or grantees, under or by virtue of the same. Such receipt may be recorded in the office of the register of deeds of the proper county, in the same manner and with like effect of conveyances of real estate.

SEC. 3. This act shall be published and take effect from and after its passage.

Approved Feb. 28, 1855.

Chapter 16.

[*Published, April* 11.]

An Act to give effect to an act entitled "an act to amend chapter eighty-six of the revised statutes and for other purposes," approved April 1854, relating to county courts.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Causes when transferred to circuit courts.

SECTION 1. All appeals and certioraris, and all civil actions of whatever name or nature, now pending in the county courts of this state, and which said county courts have not jurisdiction to try and determine, are hereby transferred to the circuit courts for the same counties in which said appeals, certioraries, or other civil actions are

pending, and shall immediately upon the passage of this act be deemed to be pending in such circuit courts.

SEC. 2. All appeals, certioraris, or other actions, removed from a justice of the peace, which the county courts of this state have not jurisdiction to try and determine, shall hereafter be taken directly to the circuit courts for the same counties in which said appeals, certioraris, or other actions may arise.

Writs of error.

SEC. 3. In all cases where a writ of error shall have been taken from the judgment of any county court to the supreme court, the remittitur shall be sent to the circuit court for the same county, and any further proceedings necessary to be had therein shall be taken in such circuit court, with like effect, as if the said judgment had originally been rendered in said circuit court.

Jurisdiction of circuit courts.

SEC. 4. Circuit courts in and for the counties of this state, wherein the county courts have not now jurisdiction to try and determine civil suits, shall have the same power, jurisdiction and control over all judgments, orders and proceedings heretofore entered, made or had in such county courts (except in probate cases) as the said circuit courts would or might have over the same if originally entered, made or had in such circuit courts. All executions hereafter issued upon such judgments shall be issued from the circuit courts, in the same manner and with like effect, and be made returnable at the same time, in the same manner, and the same proceedings may in all respects be had upon the same, as if the same were issued upon a judgment of the said circuit court; and proceedings to revive and carry into effect all such judgments and proceedings, as may be necessary, may be hereafter had in the circuit courts of the proper counties, as fully to all intents and purposes as though the same had been originally in the said circuit courts.

Executions how to be issued.

SEC. 5. The circuit courts of this state are hereby authorized to try and determine all appeals, certioraris or other actions pending or brought therein by virtue of this act.

Justice to make return.

SEC. 6. All causes in which an appeal or certiorari has been taken to the circuit court since the first day of July last, shall be proceeded with therein in the same manner as if they had been taken to the county court, and had been transferred by this act to the circuit court, and if the justice has failed to make a proper return in any such cause, he may be compelled to make such return at the

next term of the circuit court holden in the same county, after the passage of this act, or at such other time as the circuit court shall order.

Appeals from justice to circuit court.

SEC. 7. All appeals and certioraris from justices of the peace shall hereafter be taken to the circuit court of the same county, according to the provisions of law, which now regulate the taking of the same to the county court: and when, in any provision of law, relating to such appeals, certioraris, or other civil action, the words "county court," appear, the same shall be read circuit court; and all statutes regulating the proceedings in appeals and certioraris, in the county courts, shall apply to and govern such proceedings in the circuit courts.

SEC. 8. This act shall not apply to the county of Milwaukee.

SEC. 9. This act shall take effect immediately upon its passage and publication.

Approved February 28, 1855.

Chapter 17.

[*Published, April* 6.]

An Act to amend Section 20, of Chapter 89, of the Revised Statutes, and to provide for the more speedy collection of costs in criminal proceedings before Justices of the Peace.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty, of chapter eighty-nine, of the revised statutes of Wisconsin, is hereby amended, by adding at the end of said section, the following proviso, to wit: "*Provided*, That if the complainant shall neglect to give said security, or shall neglect to pay such costs, then, in such case, the court before whom the cause is tried, may issue execution on said judgment against the person of the complainant, in the same manner and to the like effect as is now provided by law, in cases where execution may issue against a defendant in actions founded in tort.

SEC. 2. This act shall take effect from and after its passage.

Approved, March 3, 1855.

Chapter 18.

[*Published March* —.]

An Act to change the time of holding the Spring Term of the Circuit Court, in the County of Brown.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The spring term of the circuit court in and for the county of Brown, shall be held annually on the fourth Monday of May, instead of the fourth Monday of March, as now required by law; and all writs, process, indictments, appeals, recognizances, or other proceedings whatsoever, made returnable to the March term of said court, for the year eighteen hundred and fifty-five; and all adjournments, appearances, continuances, motions, and notices of any proceedings in the said circuit court, made or taken to the said March term, eighteen hundred and fifty-five, shall be held to be the May term for the year eighteen hundred and fifty-five. **Change of terms of court.**

SEC. 2. This act shall take effect from and after its passage and publication; and the secretary of state shall forthwith transmit by mail a printed copy of this act to the clerk of the circuit court of said county of Brown.

Approved March 3, 1855.

Chapter 19.

[*Published April* 13.]

An Act to provide for the purchase of Stationery for the use of the next Legislature.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. James Halpin, superintendent of public property, is hereby authorized to purchase all stationery necessary for the use of the next legislature. **Halpin to purchase stationery.**

SEC. 2. There is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of **Appropriation.**

twenty-five hundred dollars, as a contingent fund for the purchase of such stationery.

To give bond.

SEC. 3. The said James Halpin is hereby required to make out an account of the disposition of such fund to the proper committee of the next legislature, and he is also required to give a bond in the sum of thirty-five hundred dollars, to the state treasurer, with surety, which bond shall be approved by the Governor, for the faithful expenditure of the said sum of twenty-five hundred dollars, or so much thereof as may be necessary for the purpose mentioned in the first and second sections of this act; *Provided*, That before drawing any of said sum of twenty-five hundred dollars, the said James Halpin shall make and execute such bond to the state treasurer, with two or more sufficient sureties, to be approved by the Governor; *And provided also*, That the purchase of stationery made by the said James Halpin shall be by contract and said contract shall be let to the lowest bidder.

Approved March 6, 1855.

Chapter 20.

[*Published April* 6.]

An Act to change the name of Mary Key to Mary K. Foote.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Mary Key is hereby changed to Mary K. Foote, by which last mentioned name she shall be hereafter known to all intents and purposes.

SEC. 2. The said Mary K. Foote shall be the child and heir-at-law of William H. Foote of Madison, Dane county, and State of Wisconsin, and all the obligations and duties of child to parent, and parent to child, shall pertain as fully between the parties herein mentioned, as in the case of natural parentage and descent.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1855.

Chapter 21.

[*Published March* 10, 1855.]

An Act to suspend the sale of School and University Lands except for purposes of settlement and cultivation.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Affidavit required of purchaser.

SECTION 1. Every person making application to purchase any portion of the School or University lands, or the agent or attorney of such person appointed by him in writing to make such application, shall be required to make affidavit before some officer authorized by law to administer oaths, and to file the same in the office of the secretary of state, or deliver it to the commissioners of school and university lands, that the applicant applies to purchase the lands therein described for his or her own use, and for the purpose of actual occupancy or cultivation, or for the use of an adjoining farm owned or occupied by said applicant; and the affidavit shall further stat ethat the applicant doesnot ownor hold in his own name, and that no person owns or holds for his use, any quantity of school or university lands which, together with those he applies to purchase, will not exceed three hundred and twenty acres; and unless such affidavit shall be made and filed, or delivered as aforesaid, the person applying shall not be allowed to purchase any portion of the lands described in his or her application; and every purchase of such lands not made for the purpose of actual occupancy or cultivation by the applicant, or exceeding the quantity above limited, shall be null and void: Provided, That no person shall purchase any pine lands without paying the whole of the purchase money at the time of the sale.

Quantity limited.

Proviso.

Pre-emption secured to purchaser.

SEC. 2. There is hereby secured to every person now settled, or having improvements upon, or who may settle upon subsequent to the passage of this act, any tract of school or university lands, the pre-emption right to purchase any amount of land not exceeding one hundred and sixty acres, embracing such settlement or improvement, and to be selected by the claimant in legal subdivisions at the appraised value thereof, exclusive of any improvement of settlement upon said lands by the person claiming the right of pre-emption thereto, or at the minimum price fixed by law, in case the lands shall be sold without appraisement; said right of pre-emption to be proven up in

Duties of pre-emptor.

the manner and subject to the conditions and proviso named in section two, of an act approved February fourth, eighteen hundred and fifty-one, entitled "an act to amend an act entitled an act to provide for the appraisal and sale of school lands, and for granting pre-emption rights thereon, approved February ninth, eighteen hundred and fifty."

Duty of commissioners.

SEC. 3. The commissioners of school and university lands shall include in one certificate of sale, as many distinct lots or tracts of such lands hereafter purchased by any person at the same time, either at public sale or private entry as such purchasers may request, and only one account shall be kept with such purchaser for all the lots or tracts included in the same certificate.

SEC. 4. This act shall take effect from and after its passage.

Approved March 6, 1855.

Chapter 22.

[*Published March* 12.]

An Act to provide for the sale of Forfeited School Lands.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Forfeited lands how to be advertised.

SECTION 1. Whenever any school or university lands shall have been forfeited for the non-payment of either principal or interest, and shall have remained forfeited for three months, the school commissioners shall advertise such lands for sale, by publication of notices thereof for three months, in the newspaper published in Madison, in which the laws are officially published: and also in a newspaper published in the county where the lands lie, if there be any, and if not, then in some newspaper having general circulation in such county, and published nearest thereto. Such sale shall be made either in the county where the lands lie, or at the capitol, in Madison, on some day not less than three months nor more than six months after the first publication of notice in both of said papers: the notice shall specify the time, and place of sale, a de-

Where to be sold.

scription of the lands to be sold, the amount due thereon, and the names of the persons to whom the certificates of sale were issued.

SEC. 2. The owner of such lands, or any person for him, may, at any time before the sale, pay the amount due, with five per cent. damages and costs, and further proceedings on the sale shall cease; but if the same shall not be paid the lands shall be offered for sale at public auction, to the highest bidder; the minimum price at such re-sale shall be the amount due on the lands for principal and interest, with the cost of advertising and sale, the five per cent. damages, and all taxes unpaid, or tax liens; and if the lands shall not then be sold, they shall thereafter be subject to private entry at such minimum price, in the manner specified, in chapter twenty-four of the revised statutes. How may be redeemed.

SEC. 3. All acts or provisions of law which conflict with this act, are hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

Approved, March 6, 1855.

Chapter 23.

[*Published April* 23, 1855.]

AN Act to amend Chapter 126, of the Revised Statutes, entitled "Of informations in the nature of a Quo Warranto, and in certain other cases."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 126, of the revised statutes, is so amended, that, whenever any citizen of this state shall claim any public office, which is usurped, intruded into, or unlawfully held and exercised by another, the person so claiming such office shall have the right to file in the supreme court, either in term time or vacation, an information in the nature of a quo warranto, upon his own relation, and with, or without the consent of such Attorney General, and such person shall have the right to prosecute said information to final judgment, in all other respects, as How amended

provided in said chapter. *Provided*, He shall first have applied to the Attorney General to file the information, and the Attorney General shall have refused or neglected to file the same; and in such case he shall be liable for the costs, if he shall fail to establish his right to the office.

Proviso.

SEC. 2. This act shall take effect immediately after its passage.

Approved March 6, 1855.

Chapter 24.

[*Published April* 11.]

An Act to change the name of Susan E. Haskins to Susan E. Edgerton.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Susan E. Haskins is hereby changed to Susan E. Edgerton, and by that name she shall hereafter be known in all courts and places.

SEC. 2. This act shall take effect from and after its passage.

Approved, March 6, 1855.

Chapter 25.

[*Published April* 23.]

An Act to appropriate certain sums of money to the Wisconsin Institute for the education of the Deaf and Dumb.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated to the Wisconsin Institute for the education of the deaf and dumb five hundred dollars, for the purpose of erecting workshops and purchasing tools and implements for the use and instruction of the pupils in said institute.

SEC. 2. There is also hereby appropriated to said institute the further sum of six thousand dollars, for the support of the same during the present year, including the maintenance of the pupils therein, the payment of the salaries of the principal, the professors and assistants, and the other necessary current expenses thereof. How disbursed

SEC. 3. The said sums of money shall be expended for the above purposes under the direction of the trustees, who shall report to the Governor, at the close of the present year, a full and particular statement and account of the expenditure thereof, and they shall be paid out of any money in the treasury not otherwise appropriated.

SEC. 4. This act shall take effect from and after its passage.

Approved, March 6, 1855.

Chapter 26.

[*Published April* 11.]

An Act to change the name of George Satterlee to George William Meeker.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of George Satterlee, infant son of George Satterlee, Sen'r, of Iowa county, is hereby changed to George Willliam Meeker, by which last mentioned name he shall hereafter be known in all places whatsoever.

Approved March 6, 1855.

Chapter 27.

[*Published, April* 23, 1855.]

An Act to change the time of holding the circuit court in the counties of La Crosse, Bad Ax and Crawford.

The People of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. The circuit court in and for the county of La Crosse, shall be holden on the second Monday of May, Time of holding court changed in La Crosse county.

and on the second Monday of November, in each year, and all writs, process, notices, conveyances, or proceedings whatever, pending in said court, or that may hereafter be pending therein, shall be deemed and made returnable to said terms as so above stated, any law to the contrary notwithstanding.

Time changed in Crawford co.

SEC. 2. The circuit court in and for the county of Crawford, shall be holden on the fourth Monday of May, and on the fourth Monday of November in each year, and all writs, process, notices, recognizances, or proceedings whatever pending in said court, or that may hereafter be pending therein, shall be deemed and made returnable to said terms above stated, any law to the contrary notwithstanding.

Time changed in Bad Ax co.

SEC. 3. The circuit court in and for the county of Bad Ax shall be holden on the second Monday of June, and the second Monday of December in each year, and all writs, process, notices, recognizances, or proceedings whatever, pending in said court, or that may hereafter be pending therein, shall be deemed and made returnable to said terms above stated, any law to the contrary notwithstanding.

SEC. 4. This act shall take effect and be in force from and after its passage and publication.

Approved, March 6, 1855.

Chapter 28.

[*Published April* 11.]

An Act to provide for the division of the County of Adams, and to submit the question to a vote of the people.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Electors to vote upon division of county.

SECTION 1. At the general election in November next, the legal voters of the county of Adams may vote upon the question of a division of said county; and in case a majority of the votes cast at such election shall be in favor of division, then, and in that case, all that portion of said county lying west of the main channel of the Wis-

consin river shall be, and the same hereby is, set off from said county of Adams, and shall form and constitute a separate county, to be known and designated as the county of Juneau.

SEC. 2. The ballots cast at the aforesaid election shall have written or printed, or partly written and partly printed upon them, the words "For Division," or the words "Against Division," and shall be received, returned and canvassed in the same manner as votes cast for county officers. Mode of balloting.

SEC. 3. In case the division of Adams county, herein provided for, should receive a majority of votes cast at the next general election, in November, and the county of Juneau established, then said county of Juneau shall remain attached to the county of Adams for judicial purposes.

SEC. 4. This act shall take effect from and after its passage.

Approved March 8, 1855.

Chapter 29.

[*Published April* 13.]

An Act to change the name of Franz Otto Rausmann to Franz Otto Knapp.

The People of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. The name of Franz Otto Rausman, son of Emelia Louisa Rausmann, (supposed to have been born on the 29th day of February, 1852,) is hereby changed to that of Franz Otto Knapp, by which name he shall hereafter be known, and the said Franz Otto Knapp is hereby declared to be the heir at law of Frederick William Knapp and Sophia Elisabeth Knapp, his wife, and it is hereby made their duty to maintain, support and educate the said Franz Otto Knapp, in the same manner as if he were their own natural child.

SEC. 2. This act shall have no force or effect until the said Frederick William Knapp and Emelia Louisa Raus-

mann shall have assented and executed an instrument in writing, said instrument to be subscribed to by them, witnessed and acknowledged in the same manner as is now required in the execution of deeds, nor until said instrument so executed shall be recorded in the office of the register of deeds in the county in which the said Frederick William Knapp and wife resides.

SEC. 3. This act shall be in force from and after its passage.

Approved, March 10, 1855.

Chapter 30.

[*Published April* 12.]

An Act to change the name of John Adam Bitsch.

The People of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. The name of John Adam Bitsch of the city of Milwaukee, Milwaukee county, Wisconsin, is hereby changed to that of John Adam Butsh, and by the last mentioned name he shall be hereafter known and recognized.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1855.

Chapter 31.

[*Published April* 17.]

An Act to regulate the filing of transcripts from justices' judgments and liens on real estate created thereby and for other purposes.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. Whenever a party to a judgment rendered

before a justice of the peace, shall file a transcript thereof in the cases now provided by law, with the clerk of the circuit court of the county where such justices resides, to make such judgment a lien on any real estate of the person or persons, against whom such judgment was rendered, the party obtaining such judgment may take a transcript of the docket of such judgment, as entered in the office of such clerk of the circuit court, duly certified under the seal of said court, and may file the same in the office of the clerk of the circuit court of any other county, and such judgment shall thereby become a lien on any real estate of the party against whom such judgment was rendered in any county where the same may be filed.

Duties of clerk

SEC. 2. Any clerk of the circuit court of any county receiving such transcript and certificate, shall enter and docket the same as a judgment in courts of record; and on the request of the party in whose favor the said judgment may be, shall issue execution as now provided in case of judgments filed and docketed from a justice of the same county; and section one hundred and eighty-five, of chapter eighty-eight of the revised statutes is hereby amended, by striking out the following words at the end of said section: "But no execution shall be issued thereon out of the circuit court until an execution shall have been issued by the justice and returned that the defendant has no goods or chattels whereon to levy the same."

SEC. 3. Every judgment of which a transcript shall be filed and docketed as herein directed may be received in the circuit court of the county in the same manner and with the like effect, as if such judgment had been obtained in that court.

SEC. 4. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect from and after its passage.

Approved, March 13, 1855.

Chapter 32.

[*Published March* 21.]

An Act to change the name of Henry Lewis Bromm to Henry Lewis Grimm.

The People of the state of Wisconsin represented in Senate and Assembly do enact as follows:

SECTION 1. The name of Henry Lewis Bromm, of the town of Mishicott, and county of Manitowoc, is hereby changed to Henry Lewis Grimm, and by the last mentioned name, he shall hereafter be known and recognized in law and equity and otherwise.

SEC. 2. This act act shall take effect from and after its passage. *Provided*, That said Henry Lewis Bromm shall file in the office of the secretary of state, his written assent to the change of his name as provided in this act.

Approved, March 13, 1855.

Chapter 33.

[*Published March* 21.]

An Act to provide for holding an additional term of the Circuit Court in Grant county, and such other special terms in the Fifth Circuit as the Judge thereof may direct.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Special term to be held.

SECTION 1. In addition to the terms of the circuit court of Grant county, as now provided by law, there shall annually be held a special term of said court, for the transaction of such business in law and equity, as may be brought before the court, as does not require the intervention of a jury.

SEC. 2. Such term shall be held at the court house in said county, on the first Monday in August in each year.

Judge authorized to hold special term in other counties.

SEC. 3. The judge of the fifth judicial circuit is hereby authorized to hold one or more special terms in any county in his circuit, at such times as he may direct. A notice to the sheriff of such county five days before the time

fixed by him of such term, being sufficient notice for the holding of such term: *Provided*, That at such special term or terms, such business in law and equity may be considered and disposed of by the court as does not require the intervention of a jury. And neither this or any other law of the state shall be so construed as to require the said judge to hold any such special term or terms, unless the business of the court, in any county in his circuit, shall in his opinion require the same; and in no case shall said judge be authorized to order the summoning a jury to try causes at any such special term or terms in said circuit. Proviso.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 13, 1855.

Chapter 34.

[*Published April* 13.]

An Act to amend chapter 88, of the revised statutes, entitled "of courts held by justices of the peace."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Either party to a final judgment rendered by a justice of the peace, may appeal therefrom to the circuit court of the county where the same was rendered, in the following cases: Appeals, when allowed.

1.—When the judgment, exclusive of costs, shall exceed fifteen dollars.

2.—When the judgment, exclusive of costs, shall not exceed fifteen dollars; and the party appealing shall state in his affidavit for an appeal, in addition to the facts required to be stated in other cases, that he has a valid claim against the opposite party of more than fifty dollars, as set forth in his pleadings in the suit.

SEC. 2. Sections 226 and 227 of chapter 88, of the revised statutes, entitled "of courts held by justices of the peace," are hereby repealed and the provisions of this act are substituted therefor. Sections repealed.

SEC. 3. This act shall take effect on the first day of July next.

Approved March 13, 1855.

Chapter 35.

[*Published March* 21.]

An Act to appropriate a certain sum of money to James Halpin, to purchase Stationery for the State Officers.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Halpin to purchase stationery.

SECTION 1. James Halpin, superintendent of public property, is hereby authorized to purchase all stationery necessary for all the several offices and departments of the state, for the year one thousand eight hundred and fifty-five.

Appropriation.

SEC. 2. There is hereby appropriated out of any money in the treasury, not otherwise appropriated, the sum of three thousand dollars as a contingent fund for the purchase of such stationery.

Required to give bond.

SEC. 3. The said James Halpin is hereby required to make out an account of the disposition of such fund to the proper committee of the next legislature, and he is also required to give a bond in the sum of four thousand dollars to the State Treasurer, with surety, which bond shall be approved by the Governor, for the faithful expenditure of the said sum of three thousand dollars, or so much thereof as may be necessary for the purpose mentioned in the first and second sections of this act: *Provided*, That before drawing any of said sum of three thousand dollars, the said James Halpin shall make and execute such bond to the State Treasurer, with two or more sureties to be approved by the governor: *And provided also*, That the purchase of stationery made by the said James Halpin, shall be by contract, and said contract shall be let to the lowest and best bidder.

Proviso.

Stationery to be purchased by contract.

SEC. 4. The said James Halpin shall from time to time furnish to the several offices or departments under the direction of the governor, such quantities of stationery as

may be necessary to the business of the same, and shall keep an account of the articles so furnished, for public inspection. The purchase of any stationery by any state officer, assistant, deputy, clerk, or other person employed in any department of any person or persons at the expense of, or to be charged to, the state is hereby prohibited; and no bill for any such purchase hereafter made, shall be considered or allowed.

Approved March 13, 1855.

Chapter 36.

[*Published April* 21.]

An Act to amend chapter eighty-nine of the revised statutes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-eight, of chapter eighty-nine of the revised statutes is hereby amended so as to read as follows: "No assault, battery, or affray shall be indictable, but all such offences shall be prosecuted and determined in a summary manner by complaint made before a justice of the peace, and on conviction thereof, the offender may be punished by fine not less than five dollars nor more than fifty dollars, or by imprisonment in the county jail for a term not less than five nor more than fifty days, according to the nature of the offense." Section amended.

SEC. 2. Section thirty-three of said chapter eighty-nine of the revised statutes is hereby amended so as to read as follows: In all cases of conviction under the provisions of this chapter, the justice shall enter judgment for a fine and costs of prosecution against the defendant and shall commit him until the judgment is satisfied. Or he shall enter a judgment that the defendant be imprisoned in the county jail for a term not less than five nor more than fifty days, and shall forthwith commit the defendant for the term fixed by such judgment; and in all cases where the judgment shall be that the defendant be imprisoned in the county jail, the justice may in his discretion enter a

further judgment, that the defendant pay the costs of the prosecution, and that he be held in imprisonment in said county jail until such costs be paid.

SEC. 3. This act shall not apply to any case of an assault and battery upon any officer while in the discharge of his duty, or to assaults, or assault and battery with intent to kill or maim.

SEC. 4. This act shall take effect from and after its passage and publication.

Approved March 13, 1855.

Chapter 37.

[*Published April* 12.]

An Act to amend an act entitled an act to provide for recording patents, chapter 48, session laws of 1850.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap. amended.

SECTION 1. That chapter forty-eight of session laws of 1850, entitled an act to provide for recording patents, be and the same is hereby so amended that duly certified copies of said patents mentioned in said act, from the record thereof in the general land office of the United States, certified by the commissioner, shall be admitted to record in the same manner, and the register of deeds shall receive the like fees as for recording the original patents mentioned in said act: *Provided*, That certified copies of said records, when said copies are so recorded, shall only be received as prima facia evidece of the facts therein stated, in the courts of this state.

Proviso.

SEC. 2. This act shall take effect and be in force from and after its passage and publication.

Approved, March 13, 1855.

Chapter 38.

[*Published April* 23.]

An Act to appropriate to the town of Sullivan the sum of seventy-two dollars ($72,00) out of the income of the School Fund.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the town of Sullivan, Jefferson county, and State of Wisconsin, to be drawn by the superintendent of common schools of said town the sum of seventy-two dollars ($72,00) out of the income of the school fund, that was not drawn and which belonged to said town for the year one thousand eight hundred and fifty four. **Appropriation**

SEC. 2. Said sum when drawn, shall be apportioned among the common school districts of said town as they existed at the time the same was due. **How apportioned.**

SEC. 3. This act shall take effect from and after its passage.

Aproved, March 13, 1855.

Chapter 39.

[*Published April* 12, 1855.]

An Act to change the name of Elizabeth Brooks and Virginia Brooks

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Mrs. Elizabeth Brooks, of Whitewater, in Walworth county, is hereby changed to Elizabeth Drichman, and the name of Virginia Brooks, infant daughter of the said Elizabeth Brooks and of Fletcher Brooks, is hereby changed to Virginia Drichman.

SEC. 2. This act shall take effect as soon after its passage as the said Elizabeth Brooks shall file in the office of the town clerk of Whitewater, her written consent to the provisions of said act.

Approved March 13, 1855.

Chapter 40.

[*Published March* 20.]

An Act to amend chapter one hundred and twenty of the revised statutes, entitled "of the lien of Mechanics and others."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred twenty, of the revised statutes shall be amended so as to read as follows: Every dwelling house and other buildings hereafter constructed, erected or repaired, all machinery hereafter constructed, put up or repaired in such manner as to become a fixture, within the state of Wisconsin, together with the right title and interest of the person or persons owning such dwelling house, building or machinery, in and to the land upon which the same shall be situated, not exceeding forty acres, or if within the limits of any incorporated city or village plat, the lot on which such dwelling houses, buildings or machinery shall be situated, not exceeding in extent one acre, shall be subject to the payment of the debts contracted for, or by reason of any work done or materials found, and provided by any brick layer, stone cutter, mason, lime merchant, carpenter, painter and glaizer, iron monger, plasterer, lumber merchant, machinist, or any other person employed in erecting or furnishing materials in the erection, construction, or repairing of such dwelling house, building or machinery, before any other lien which originated subsequent to the commencement of such house, building or repairs.

Sec. amended.

SEC. 2. Section two of said chapter one hundred twenty, shall be construed so as to comply with section one of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, March 15, 1855.

Chapter 41.

[*Published March* 12, 1855.]

An Act to divide the Fourth Judicial Circuit, and organize the Tenth Judicial Circuit, and to fix the times of holding the circuit courts in the counties of said Tenth Circuit.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first day of July, in the year eighteen hundred and fifty-five, all that portion of this state included between the counties of Brown, Kewaunee, Door, Outagamie, Oconto and Shawana, shall constitute and be a separate judicial circuit, to be known and designated as the tenth judicial circuit, and all that portion of this state included in the counties of Sheboygan, Fond du Lac and Winnebago, Manitowoc and Calumet shall constitute and be the fourth judicial circuit. **Boundaries.**

SEC. 2. The terms of the circuit court to be holden in the several counties comprising the said tenth judicial circuit shall be held at the times now fixed by law. **Terms of court when held.**

SEC. 3. An election shall be held in said tenth judicial circuit for the election of a judge of the circuit court thereof in the several counties and precincts in said circuit, on the first Tuesday of May next. Such election shall be conducted and the votes canvassed in the same manner as at general elections for state and county officers. The inspectors or judges of said elections shall make returns thereof to the clerk of the board of supervisors of their respective counties, immediately after the same are canvassed, and the said clerk of the board of supervisors shall file the same in his office, and forthwith transmit a copy thereof to the governor of this state. **Election of judge in tenth circuit.**

SEC. 4. On the first Monday of June next, the governor, together with the secretary of state and state treasurer, shall proceed to canvass said returns, and the person having the highest number of votes shall be the judge elect of said tenth judicial circuit, and the governor shall transmit to the person so elected, a certificate of his election, under the seal of the state, and in case there shall be a tie, the governor shall forthwith proclaim the fact and order a new election in said circuit. **Votes to be canvassed.**

SEC. 5. The judge elect, before he enters upon the duties of his office, shall take and subscribe the oath or affirmation prescribed by the constitution of this state, before **Judge to take oath.**

any officer qualified to administer the same. Such oath or affirmation shall be duly certified by the officer administering the same, and by said judge, filed in the office of the secretary of state.

Term of office of judge.

SEC. 6. Said judge shall enter upon the duties of his office on the first Monday of July next, and shall hold his office for the term of six years, and until his successor is elected and qualified. He shall have all the powers and jurisdiction conferred upon the circuit judges, receive like compensation, and have the same rights and privileges.

Election of judge in fourth circuit.

SEC. 7. The judge of the fourth judicial circuit to be elected on the second Tuesday of April next, shall be elected by the qualified voters of the counties composing said circuit, as established by the first section of this act.

SEC. 8. This act shall take effect from and after its passage and publication, and the secretary of state shall forthwith transmit a copy of the same to each of the clerks of the circuit courts within the organized counties mentioned in this act.

Approved March 16, 1855.

Chapter 42.

[*Published April* 12.]

An Act relating to the postage of the Legislature.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The state treasurer is authorized and required to retain in the treasury a sum not exceeding fifteen hundred dollars, to meet the appropriations made by this legislature for postage, and to pay such appropriations to the Post Master, on or before the first day of April next.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, March 19, 1855.

Chapter 43.

[*Published April 26.*]

An Act to change the names of Cordelia Ann Kirby and Mary Elizabeth Kirby to Cordelia Ann Birchard and Mary Elizabeth Birchard, and to authorize their adoption as the children and lawful heirs of Harvey Birchard.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Harvey Birchard, of the city of Milwaukee, is hereby authorized to adopt Cordelia Ann Kirby and Mary Elizabeth Kirby, infant children of Caroline Kirby, late of said city, deceased, as his children and lawful heirs, by the names of Cordelia Ann Birchard and Mary Elizabeth Birchard, upon the execution and performance by said Birchard of the requirements in the third section of this act contained.

SEC. 2. The names of the said Cordelia Ann Kirby and Mary Elizabeth Kirby are hereby respectively changed to Cordelia Ann Birchard and Mary Elizabeth Birchard, and by the names last aforesaid, they may and shall hereafter be called and known in all cases and proceedings whatsoever.

SEC. 3. For the purpose of giving effect to the provisions of the first section of this act, and to signify his ratification and approval thereof, the said Harvey Birchard is hereby authorized and required to execute, under his hand and seal, attested by two witnesses, and acknowledged before judge of probate of Milwaukee county, a written declaration of his approval of the provisions of this act, and annex the same to a copy thereof, and file the same in the office of the judge of probate of Milwaukee county, within sixty days from and after the passage of this act; and the said judge of probate shall record the same in the records of wills and testaments: and from and after such recording as aforesaid, the said Cordelia Ann and Mary Elizabeth shall be taken and deemed to be lawful children and heirs of the said Harvey Birchard, and as such, in case of his death intestate, shall be as much entitled, and legally capable of taking and holding, by inheritance or descent, from the said Birchard, as though they had been born in lawful wedlock between him and their mother, the said Caroline Kirby, deceased.

SEC. 4. This act shall take effect in respect to the second section thereof from and after the approval thereof by the

governor, and in respect to the first and third sections thereof from and after the recording of the declaration specified in said third section.

Approved March 19, 1855.

Chapter 44.

[*Published April* 14.]

An Act to appropriate certain sums of money to the Wisconsin Institute for the Blind.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated to the Wisconsin Institute for the Blind, the sum of four thousand dollars, for the support of said Institute from the first day of October next to the first day of January, one thousand eight hundred and fifty-seven; and whereas the fiscal year for said institute has heretofore comenced on the first day of October, and the appropriations heretofore made for its support extend to the first day of October next, the fiscal year of said Institute shall hereafter commence on the first day of January.

When fiscal year shall commence.

SEC. 2. There is hereby appropriated to said institution the further sum of five thousand dollars, to aid in the completion of the main building and the east wing for said institution, according to the plan of the same. This last named sum of five thousand dollars shall be paid out of the tax assessed in the year eighteen hundred and fifty-five and paid into the treasury in the year eighteen hundred and fifty-six.

When to be paid.

SEC. 3. Before the receipt of the respective sums of money appropriated by this act, the board of trustees of said institution shall from time to time, execute such bonds and sureties as the Governor may require and approve, conditioned, for the faithful application of such moneys to the object specified in this act.

Trustees to give bond.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved, March 19, 1855.

Chapter 45.

[*Published March* 22.]

An Act to provide for the purchase of a certain number of copies of Webster's Unabridged Dictionary, and for their distribution to the several public schools of this state.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The state superintendent of public instruction is hereby authorized to purchase, on behalf of this state, a sufficient number of copies of Webster's Unabridged Dictionary of the English language, as revised by Professor Chauncey A. Goodrich, at a price not exceeding four dollars per copy, as may be necessary to supply each organized school district in the state with one copy thereof, and in case where there is more than one common school in a district, each school and department thereof, shall be furnished with one copy. The contract for the purchase of said books shall specify the time when they will be delivered by the publishers, which shall not be later than the first Monday of October, one thousand eight hundred and fifty-five.

Superintend'nt authorized to purchase certain number copies.

When to be delivered.

SEC. 2. One half of the price of said books shall be paid on the fifteenth day of March, one thousand eight hundred and fifty-six, and one half on the fifteenth day of March, one thousand eight hundred and fifty-seven; and a sufficient sum is hereby appropriated for that purpose, to be paid out of the income of the school fund, as hereinafter provided.

Appropriation, and when to be paid.

SEC. 3. For the purpose of ascertaining the exact number of organized school districts and common schools in the state, the town superintendent of each town is hereby required, on or before the first Monday in June next, to report in writing to the state superintendent the number of organized school districts in his town, and the number of parts of organized joint districts, in cases where the school house of such joint district is situated within his town, giving the number of each district and joint district. In cases where there is more than one common school taught in a district, he shall report the same, with the number of departments in each such school.

Town superintendents required to rep't to superintendent.

SEC. 4. It shall be the duty of the state superintendent, as soon as he shall receive the books as above provided, to forward a sufficient number of copies to the register of

Duties of state superintendent prescribed.

deeds of each county in the state, whose duty it shall be to receive the same, to supply the several common schools therein, and at the same time, inform the town superintendent of each town, of the number of copies which he is entitled to receive from the register of deeds of his county, to be distributed to the several common schools in his town.

Duties of register of deeds prescribed.

SEC. 5. Whenever the register of deeds of any county shall receive the books, as provided in the last preceding section of this act, he shall forward immediately to the state superintendent a receipt for the same, in the form prescribed by said state superintendent, and shall deliver to the town superintendent, of each town in his county on application, the number of copies of said book it shall appear such town is entitled to receive, on presentation to him of an order from the state superintendent specifying the number.

Duties of town superintend'nt

SEC. 6. On receipt of such books the town superintendent shall deliver to the librarian of each organized school district in his town, one copy for each common school taught therein, and shall take his receipt for the same, and file it among the records of his office.

Such books to belong to district library.

SEC. 7. Such books, when received by the several districts in this state, shall be considered as belonging to the library of the district, and shall be subject to the same laws and regulations as other library books; but during the time a school shall be taught therein, it shall be and remain in the school room, for the exclusive use of the scholars and teachers of such school, and under the control of the teacher, who shall be responsible to the district for its loss, or for any unnecessary damage it may receive, the same as any other book of the district library.

Duty of state superintend'nt

SEC. 8. In making the annual apportionment of the income of the school fund among the several towns and cities of this state for the year one thousand eight hundred and fifty-six and seven, it shall be the duty of the state superintendent to deduct from the amount to which each town and city shall be entitled, according to such apportionment, an amount equal to one half the cost of the books furnished to the several common schools therein as herein before provided.

Duty of state treasurer.

SEC. 9. In certifying to the state treasurer the apportionment of the income of the school fund for the years mentioned in the last preceding section, the state superintendent shall state in such certificate the whole amount apportioned to each county, the aggregate amount deduct-

ed from the several towns and cities of each county, and the amount payable by him to the order of the county treasurer, and the amount so deducted from the amount apportioned to each county, shall be retained by the treasurer, and held subject to the draft of the state superintendent for the payment of the books herein authorized to be purchased.

Fees of officers

SEC. 10. The register of deeds and town superintendent shall receive such compensation for the services required of them by the provisions of this act, as the county and town board of supervisors respectively shall deem proper.

SEC. 11. The provisions of this act shall be so construed as to apply to the superintendents of common schools of the several cities of this state, the same as to town superintendents.

SEC. 12. This act shall not apply to any district which may have been already supplied with a copy of said dictionary; and the town superintendent shall report to the state superintendent, pursuant to section three of this act such districts only as do not own a copy thereof, to be ascertained by him from the librarian of each district. *Provided*, The schools in the city of Milwaukee shall each be entitled to one copy.

SEC. 13. This act shall take effect and be in force from and after its passage.

Approved March 21, 1855.

Chapter 46.

[*Published May* 2.]

An Act for the relief of the purchasers of School and University Lands in this State.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. No sale by private entry heretofore made of any lot or lots of school or university lands in this state, shall be impeached or in any way impaired or effected by reason of failure of the applicant, at the time of such entry, to make a written application therefor, or of the Sec-

retary of State to file such application in his office, and the certificate of purchase shall be of as full force and effect as if a written application had been made and filed at the time of such private entry.

SEC. 2. This act shall take effect from and after its passage.

Approved, March 20, 1855.

Chapter 47.

[*Published April* 12.]

An Act to provide for more fully carrying into effect an act entitled "An act to authorise the business of Banking," approved April 19, 1852.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the securities deposited with the state treasurer to secure the redemption of the circulating notes of any bank, shall be sold in pursuance of sections twenty-three and twenty-four of the banking law of this state, the bank comptroller shall immediately destroy all the plates of such bank.

Accounts to be audited by comptroller.

SEC. 2. All the expenses incurred in the advertising and selling of stocks under the banking law of this state, shall be audited and allowed by the bank comptroller, and deducted from the proceeds of such sale.

SEC. 3. Whenever the proceeds of the sale of the securities deposited by any bank with the state treasurer to secure the redemption of its circulating notes, shall be insufficient to fully redeem the same, the bank comptroller shall certify the amount due upon the stockholders' bond deposited with him in pursance of section seventeen of the banking law of this state, which certificate shall be conclusive evidence in all courts and places, of the amount due thereon, and the comptroller shall in all cases immediately commence proceedings upon the bond, and when collected distribute the proceeds thereof, *pro rata*, among the holders of the circulating notes of such bank.

SEC. 4. The seal of the bank comptroller's office is hereby declared to be a public seal, and a description thereof

shall be deposited in the office of secretary of state, and all copies of documents, instruments, papers and writings filed or deposited in the office of the bank comptroller, and transcripts from the books of said office, certified with the said seal attached, shall be evidence in all cases equally and in like effect with the original.

SEC. 5. Whenever in the opinion of the bank comptroller, the bond executed in pursuance of section seventeen of the banking law of this state, shall be insufficient security, he is hereby authorized to demand and receive a new bond in lieu thereof, or as additional security, and the bond so received shall be as binding and obligatory upon the parties executing the same, as the original bond.

SEC. 6. Whenever any banking association is desirous of withdrawing its stockholders' bond filed with the bank comptroller, the bank comptroller may at his discretion, permit the same to be done, and shall receive a new bond in lieu thereof, and the bond so received shall be as binding and obligatory upon the parties executing it, as the original bond, and all bonds executed by any person or persons to the bank comptroller to secure the redemption of the circulating notes of any banking association, shall be binding and obligatory upon the parties executing the same, for the penalty contained in such bond.

SEC. 7. All bonds hereafter to be executed to the bank comptroller in pursuance to section seventeen of the banking law of this state, shall have a warrant of attorney thereto attached, authorizing a judgment to be entered up on the same, either in term time or in vacation, in any court of record in this state, or elsewhere, and no judgment so entered up shall be set aside or delayed in consequence of any error or informality in the bond or warrant of attorney, or in the proceeding in entering up the same; and it shall be the duty of the bank comptroller to immediately, upon his advertising for sale the securities deposited to secure the redemption of the circulating notes of any banking association, to enter up a judgment upon such bond, but no execution shall issue thereon until the securities deposited in such bank shall be sold, and then only for the amount due upon such bond.

SEC. 8. Nothing herein contained shall be construed to oblige the bank comptroller to accept any bond unless he is satisfied with the security, and this act shall take effect from and after its passage.

Approved March 20, 1855.

Chapter 48.

[*Published April* 23.]

An Act to authorize the State Superintendent to furnish school district clerks with blank forms on which to make their annual reports.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The state superintendent is hereby authorized and required on or before the first day of August in each year, to furnish to each school district clerk in the state a blank form, upon which such officer shall make his annual report to the town superintendents of his own town.

SEC. 2. This act shall take effect immediately after its passage.

Approved, March 21, 1855.

Chapter 49.

[*Published April* 11.]

An Act relative to the rights of married women.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any married woman, whose husband, either from drunkenness, profligacy, or from any other cause, shall neglect or refuse to provide for her support, or for the support and education of her children; and any married woman who may be deserted by her husband, shall have the right, in her own name, to transact business, and to receive and collect her own earnings and the earnings of her own minor children, and apply the same for her own support, and the support and education of such children, free from the control and interference of her husband, or any person claiming the same, or claiming to be released from the same, by or through her husband: *Provided*, That if is denied by plea, that either of the causes enumerated in this act, as entitling the married woman to sue in her own name, exists, in point of fact, then the is-

Proviso.

sue upon this plea shall be tried and determined by the jury trying the case, with the other issues submitted. The issue upon this plea shall be tried and determined and by the jury trying the case, with the other issues submitted.

SEC. 2. That this act shall take effect from and after its publication.

Approved March 23, 1855.

Chapter 50.

[*Published March* 29.]

An Act in relation to Attorneys at Law.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person who has been duly admitted and licensed to practice as an attorney and counsellor at law, in the supreme court of the state of Illinois, and all other states in the Union, where counsel of this state are admitted as counsel of such state, on the same terms hereinafter prescribed, shall be admitted and licensed to practice as an attorney and counsellor at law and solicitor in chancery, in all the courts of this state, upon written application, signed by such person, and upon presenting to such court proof that he has been so admitted to practice in the supreme court of Illinois, and all other states in the Union, where counsel of this state are admitted as counsel of such state, on the same terms hereinafter prescribed and an affidavit of good moral character, and that he is a resident of said state of Illinois.

SEC. 2. It shall be the duty of any court of this state, upon application and proof aforesaid, to admit any attorney of the state of Illinois, and all other states of the Union when counsel of this state are admitted as counsel of such state, on the same terms hereafter prescribed, to practice, and to take and subscribe the usual oaths required by the laws of this state, in relation to attorneys at law in this state, and to issue a license as in other cases of admission of attorneys at law, and the clerk of such

court to enroll the same on his roll of attorneys as in other cases, and such attorney, so making the application as aforesaid, shall, upon receiving such license, be entitled to all the privileges of attorneys at law resident in this state.

SEC. 3. All acts or parts of acts conflicting with this act are hereby repealed, and this act shall take effect and be of full force from and after its passage.

Approved, March 23, 1855.

Chapter 51.

[*Published March* 26.]

An Act to provide for taking off from the County of Winnebago certain towns therein named, lying between the counties of Waupacca and Portage.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Electors to vote upon division of co.

SECTION 1. The qualified electors of the county of Winnebago shall vote for or against the division of Winnebago county, by striking off from said county town twenty-one, twenty-two, twenty-three, twenty-four and twenty-five north, in range ten, at the next annual town meeting, after the passage of this act.

Mode of ballot

SEC. 2. All votes given upon the question aforesaid shall be by ballot, upon which shall be written or printed either the words "for division" or "against division." Said ballots shall be deposiied by the inspectors of election in a separate box, to be by them for that purpose prepared.

How to be canvassed.

SEC. 3. The votes cast as above provided, shall be canvassed, certified, and the result ascertained and declared by the same officers, at the time and in the manner provided by law for canvassing, certifying, ascertaining the result of elections for county officers, and such result, when so ascertained, shall by last canvassing officers be reduced to writing and by them certified to be in all respects true and correct, and when the same is so reduced to writing and certified, the clerk of the board of supervisors shall record the same in the county record book in his office, and shall thereafter, without delay, transmit the original

to the Secretary of State, at Madison, who shall upon receipt thereof, file and preserve the same in his office.

SEC. 4. This act shall be printed by the state printer immediately after the passage thereof, and when so published shall take effect and be in full force.

SEC. 5. The Secretary of State is hereby directed to transmit a copy of this act, under the seal of the state, to be published in the Oshkosh Courier and Oshkosh Democrat.

Approved, March 23, 1855.

Chapter 52.

[*Published April 13.*]

An Act to change the name of Charles Adams to Charles Edgar Tabor.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Charles Adams, infant, of Prairie du Sac, in the county of Sauk, is hereby changed to Charles Edgar Tabor, by which name he shall be hereafter known, to all intents and purposes.

SEC. 2. The person whose name is changed by this act, shall be the adopted child and heir at law of Thomas Tabor, of said county of Sauk, state of Wisconsin, and the obligation of parent to child, and child to parent, shall pertain as fully between the parties herein mentioned as in the case of natural parentage and descent.

SEC. 3. This act shall take effect and be in full force from and after its passage.

Approved March 24, 1855.

Chapter 53.

[*Published April* 13.]

An act to constitute Sidney S. Smith heir at law of Jesse R. Smith and Rheubey Smith.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Sidney S. Smith, of the town of Medina, in the county of Dane, be and hereby is constituted the adopted son and heir at law, of Jesse M. Smith and Rheubey Smith, his wife, of the town and county aforesaid, and he shall be entitled to all the rights and privilegs of support, education and inheritance, as fully and effectually, and in the same manner as he might or should be if he were the legitimate child of the said Jesse M. Smith and Rheubey Smith.

SEC. 2. This act shall take effect from and after its passage: *Provided*, That the sad Jesse M. Smith shall file in the office of the secretary of state his written assent, under his hand and seal, to the provisions of this act.

Approved, March 26, 1855.

Chapter 54.

[*Published April* 17.]

An Act to change the name of Albert Sickler and Albertine Sickler.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The names of Albert Sickler and Albertine Sickler, of the town of Dale, in the county of Outagamie, are hereby changed to those of Albert Boyer and Albertine Boyer, and by the last mentioned names they shall be hereafter known and recognized.

SEC. 2. The said Albert Boyer and Albertine Boyer shall be known as the adopted children and heirs-at-law of George Boyer, of said town of Dale, and the relative duties of parent and child shall exist, and may be enforced

between the said George Boyer and the said adopted children, as fully and effectually and in the same manner as if the said adopted children were the legitimate children of the said George Boyer.

SEC. 3. This act shall take effect and be in force from and after its passage; *Provided*, That said George Boyer shall file in the office of the secretary of state his written assent, under his hand and seal to the provisions of this act."

Approved March 26, 1855.

Chapter 55.

[*Published April* 13.]

An Act to provide for an additional term of the Circuit Court for Waukesha County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. In addition to the terms of the Circuit Court appointed to be held in the county of Waukesha, there shall hereafter be held annually, in and for said county, by the judge of the second judicial circuit, a term of said circuit court, commencing on the second Monday in June, and a petit jury for said term shall be drawn and summoned in the manner provided by law.

SEC. 2. A grand jury for such term may be drawn and summoned in the manner provided by law, whenever the judge of said court shall deem it necessary, and shall file with the clerk of the circuit court for said county, an order directing the summoning of such grand jury; and no grand jury shall be drawn for said term unless such order be made and filed as herein provided.

SEC. 3. This act shall take effect and be in force from and after its passage, and shall be published immediately.

Approved March 26, 1855.

Chapter 56.

(*Published April* 16.]

An Act to provide for the manner of paying to the state the tax on suits collected by the clerks of the circuit courts.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Duties of cl'ks circuit courts.

SECTION 1. The clerk of the circuit court of each county shall quarterly, on the first day of January, April, July, and October, or within five days thereafter, in every year, pay to the treasurer of his county, for the use of this state, the suit tax of one dollar required by law to be paid to the clerk, on every suit which has been commenced in the circuit court of his county during the three months ending on the last day of the month immediately preceding.

Clerk required to make report to secretary of state.

SEC. 2. The clerk shall take duplicate receipts from the county treasurer for the sums so paid, and on or before the tenth day of January, April, July, and October, in each year he shall forward to the secretary of state, at Madison, one of said receipts, and also a statement on oath of the number of suits commenced in the circuit court of his county during the three months ending on the last day of the month immediately preceding that date.

Duty of secretary of state in case of failure to make report

SEC. 3. If such statement, together with a receipt of the whole sum required by law to be paid to the clerk on, the suits so commenced during the preceding quartere shall not be received by the secretary of state on or beforn the first day of the month next succeeding the time whe, such statement is above required to be transmitted to him he shal: forthwith notify the judge of the circuit court within whose circuit such clerk resides, of the failure to transmit such statement, or receipt, or both as the case may be.

Duties of judge

SEC. 4. Whenever the circuit judge shall be notified of such failure, he shall forthwith appoint a time not exceeding sixty days from the date of the notice hereinafter mentioned, and a place within his circuit, when and where such clerk shall appear before him show cause why he shall not be removed, for the reasons to be mentioned in such notice, and shall cause notice thereof to be served within ten days upon the clerk. If the clerk shall not upon such hearing show to the satisfaction of the judge that

he has complied with the provisions of this act he shall be liable to be removed from office, as provided in section five, of chapter eleven, of the revised statutes.

SEC. 5. Proceedings under this act may be of a summary nature, and the testimony shall be taken under such reasonable regulations as to time and place, and in such manner as the judge shall prescribe.

The testimony or affidavit of the clerk may be received in respect to the fact of his having transmitted a return, but no on other point.

Duties of co. treasurer.

SEC. 6. Moneys paid to the county treasurer pursuant to this act, shall be paid over by him upon the order of the state treasurer, and any such moneys remaining in his hands at the time when he is required by law to pay the state tax to the state treasurer, shall be paid therewith into the state treasury.

SEC. 7. This act shall take effect from and after its passage and publication.

Approved, March 29, 1855.

Chapter 57.

[*Published April* 20.]

An Act to provide for entering up and docketing final judgments in vacation in certain cases.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all cases wherein, in any court of record in this state, the defendants default in any suit, and an order for interlocutory judgment therein shall have been or may hereafter be duly entered, according to the rules and practice of the court, the plaintiff may at the time of entering of such default or order as aforesaid, or at any time afterwards in term time or in vacation of such court, enter or cause to be entered an order in the common rule book, kept by the clerk of such court, that the said clerk assess the plaintiff's damages, or that a writ of inquiry issue to the sheriff of the proper county for that purpose, as the nature of the case may require, and such assessment may at any time thereafter, be made accordingly.

SEC. 2. Upon the making of the assessment and report thereof by the clerk, specifying the amount of the debt or damages by him ascertained and assessed and the time of making the assessment, or upon the return of the writ of inquiry and of the report of the assessment and inquisition by the proper sheriff's jury, the clerk of such court shall immediately append thereto, the amount of final judgment in the proper and usual form, for the debt or damages so found and assessed by himself, or the jury aforesaid, as the case may be; and upon the same being signed in the margin thereof, by the judge of the court, or court commissioners, with the date of signing the same endorsed thereon, shall attach the said report and award of judgment and all the other papers in the cause together, which he shall file in the cause, and which shall constitute the judgment roll. The said clerk shall also thereupon enter the award of judgment in the same manner and with like effect as if entered under the direction of the court; and the same shall be and remain from that time a lien upon real estate and chattels real of the defendant, and in all respects shall have the same force and effect, and execution may be issued thereon, and all other proceedings had as though the same had been rendered in open court. Such judgments shall be under the control of the court and may be set aside upon good cause shown, the same as other judgments. *Provided, however*, That this act shall not be construed so as to authorize the entering up of any final judgment in vacation of the court, unless the plaintiff or some other person shall make and file an affidavit in the cause showing personal service of the rule to plead upon the defendant or his attorney in the cause, twenty days previous to the default being entered. And, *Provided, also*, That the execution shall not issue upon any judgment entered in vacation until twenty days after the signing of the award of judgment as hereinafter provided by the judge or court commissioner.

Proviso.

SEC. 3. This act shall be immediately printed by the state printer after its passage, and shall then be in full force and effect.

Approved, March 29, 1855.

Chapter 58.

[*Published April 26.*]

An Act to allow the qualified electors residing in Towns 21, 22, 23, 24 and 25 North, Range 10 East, to vote on the question as to which County they shall be attached.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The qualified voters residing in towns twenty-one, twenty-two, twenty-three, twenty-four and twenty-five north, in range ten east, are hereby authorized to vote by ballot, on the first Tuesday in August next, being the seventh day, as to whether the said town, should be attached to the county of Portage or to the county of Waupacca.

SEC. 2. All the votes given upon the question aforesaid shall be by ballot, upon which shall be written or printed either the words "To Waupacca," or "To Portage." Mode of balloting.

SEC. 3. The votes cast as above provided, shall be canvassed, certified, and the result ascertained and declared by the same officers, in manner provided by law for canvassing, certifying and ascertaining the result of elections for county officers, and such result, when so ascertained, shall by said canvassing officers be reduced to writing, and by them certified to be in all respects true and correct; and when the same is reduced to writing, and certified, the clerk of the board of supervisors of Portage county shall record the same in some county record book in his office, and shall, without delay, transmit by mail the original to the secretary of state, at Madison, who shall, upon the receipt thereof, file and preserve the same in his office. Canvass of votes.

SEC. 4. Said "towns" shall become part and parcel of the county in accordance with the majority of the votes so cast upon the subject.

SEC. 5. This act shall take effect and be in force from and after its publication.

Approved March 29, 1855.

Chapter 59.

[*Published March 30.*]

An Act to repeal chap. 59 of the general statutes of Wisconsin, entitled an act to provide for a State Lunatic Asylum, and to provide for a compromise with Andrew Proudfit and for other purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap. repealed

SEC. 1. Chap. 59 of the general statutes of the State of Wisconsin, entitled an act to provide for a State Lunatic Asylum, approved March 30, 1854, is hereby repealed. *Provided*, This act shall not be so construed as to impair the obligation of any valid contract. But notice is hereby given to Andrew Proudfit that the state of Wisconsin does not consider itself bound by the contract of the date of the sixteenth day of November, in the year one thousand eight hundred and fifty-four, or any other contract or agreement made or entered into with him by the Commissioners appointed under the act hereby repealed, and that the state intends, unless a compromise can be made with him as hereinafter provided, upon terms satisfactory to the legislature of the state, to leave him to seek his remedy or rights, if he has any, in the courts as provided by law; and notice is hereby further given to said Proudfit not to proceed further under the aforesaid contract, as the state intends to, and by this act does, dispute and deny its liability upon the same.

Notice to contractor to suspend work.

SEC. 2. Upon the payment of fifteen hundred dollars into the treasury of the state of Wisconsin, by Leonard J. Farwell, of the town of Madison, in the county of Dane, the Governor is hereby authorized and empowered to execute and deliver to said Farwell a deed of the land conveyed by said Farwell to the state for the use of the Lunatic Asylum, which deed when executed and delivered, shall have the effect to re-vest the title to said lands in said Farwell, free of all claim of the state of Wisconsin.

Duty of secretary of state.

SEC. 3. Immediately upon the passage of this act, the secretary of state of the state of Wisconsin, is hereby authorized, and it shall be his duty, to take possession of all plans, specifications, contracts, papers, records and property of every kind belonging to the state of Wisconsin, in the hands, possession, or under the control of the commissioners, or superintendent of the Lunatic Asylum, and to preserve the same in his office. And it is further hereby

made the duty of the secretary of state to call upon the said commissioners and superintendent, and demand and receive from them all moneys due from, or over drawn by them from the state, and to pay the same into the treasury. And said commissioners and superintendent are hereby required, when so called upon as aforesaid, to deliver and pay all such property and money to said secretary of state.

Duty of commissioners and superintend'nt

SEC. 4. Immediately upon the passage of this act a committee of two shall be appointed on the part of the senate, and three on the part of the assembly, to confer with Andrew Proudfit, the present contractor for the building of the Lunatic Asylum, and ascertain, and report within twenty-four hours after their appointment, upon what terms or conditions, a settlement or compromise can be made with him of all matters or claims growing out of or connected with the Lunatic Asylum contract: *Provided*, That this act shall not be in any manner or particular, construed or intended to recognize, acknowledge or admit in any manner, as legal and binding upon the state the alleged contract of Andrew Proudfit, hereinbefore referred to, and any such construction or intention is utterly denied by this act.

Committee appointed to confer with contractor.

SEC. 5. This act shall take effect from and after its passage, and the secretary of state is hereby required to cause this act to be published immediately on its passage, and the secretary of state is also hereby further required to serve a certified copy of this act, under the great seal of the state, on the said Andrew Proudfit, immediately on its passage, and endorse upon this act his certificate of such service, which shall be evidence thereof in all courts and places.

Approved March 29, 1855.

Chapter 60.

[*Published April* 24.]

An Act for the protection of Lumbermen.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That any person that shall wilfully and without consent of the owner take and appropriate to his own

use any pine logs, or other lumber, having thereon the marks of any other person or persons than those of the person so taking them, or who shall obliterate the marks of the owner of such logs or lumber, the same being upon the banks of or afloat in any of the streams of this state, out of which logs or lumber are usually driven, shall be deemed guilty of the crime of larceny, and shall be subject to all the provisions of chapter 134 of revised statutes, applicable to said crime.

SEC. 2. Chapter 99 of the General Laws of A. D. 1854, entitled "an act for the protection of logs and lumber found floating on the Wisconsin river," is hereby repealed.

SEC. 2. This act shall take effect from and after its passage.

Approved March 29, 1855.

Chapter 61.

[*Published April* 19.]

An Act to change the names of Albert Mills, and Harriet Mills to that of Albert Castle and Harriet Castle.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The names of Albert Mills and Harriet Mills, of the town of Chester, in the county of Dodge, is hereby changed to that of Albert Castle and Harriet Castle, and by the last mentioned names they shall be hereafter known and recognized.

SEC. 2. The said Albert Castle and Harriet Castle shall be known as the adopted son and daughter and heirs-at law of Philander Castle and his wife, of the town of Chester, Dodge county, and mutually entitled to all the rights and privileges, and subject to all the duties of inheritance, support and maintenance as fully and effectually, and in the same manner as they might or should be if they were the legitimate children of Philander Castle and his wife.

SEC. 3. This act shall not take effect or be in force until the said Philander Castle shall assent thereto in writing, under his hand and seal, and record the same in the office of register of deeds in Dodge county.

Approved March 29, 1855.

Chapter 62.

[*Published April* 25.]

An Act in relation to the Milwaukee County Court.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The jury terms of the Milwaukee county court, for the trial of causes which either party shall require to have trial by a jury, shall be held on the first Monday in April, June, September and December of each year. Jury terms.

SEC. 2. A term of said court shall also be held on the first Monday in January, February, July, August and November, in each year, by the county judge, without a jury; at which terms issues may be tried by the court where a jury is not demanded by either party; defaults may be entered, and damages may be assessed and judgments entered upon defaults, or by confession, and certioraris, arguments, motions, and all other proceedings may be heard, determined and had with the like force and effect as at the jury terms, except the trial of causes which either party shall require to have tried by a jury.

SEC. 3. All writs issued by the said court shall be made returnable on the first day of the next term after it shall be issued, provided such writs issue ten days before the next term; but if not issued ten days before the next term, then such writ shall be made returnable on the first day of the next succeeding term after the first. Writs, when returnable.

SEC. 4. The said court shall have power to make, prescribe and establish such rules and regulations respecting the conduct and trial of causes, the entry of defaults, the assessment of damages on default, and concerning the practice and proceedings in said court, generally, as the said court shall deem expedient, and proper, and to alter, amend, or annul the same: *Provided*, Such rules shall not contravene any law of this state. Power of court. Proviso.

SEC. 5. All acts and parts of acts contravening the provisions of this act are hereby repealed so far as Milwaukee county is concerned.

SEC. 6. This act shall take effect and be in force from and after its publication.

Approved March 29, 1855.

Chapter 63.

[*Published April* 25.]

An Act to change the name of Francis Pescheck to that of Francis Landa.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SEC. 1. The lawful name of Francis Pescheck, an orphan, about five years of age, shall hereafter be Francis Landa, by which name he shall be known to all legal intents and purposes.

SEC. 2. The said Francis Landa shall be the child and heir at law of Francis Landa and Catharina, his wife, now residing at the city of Milwaukee, and being the parents, adopting said orphan; and it shall be the duty of said Francis Landa, and Catharina, his wife, to maintain, provide for and educate said Francis Landa, their adopted son, in the same manner as if he were their natural child; *Provided however*, That nothing in this act contained shall preclude the court of chancery or any other court of competent jurisdiction from taking under their custody the last mentioned Francis Landa, as a ward of said court, and from disposing of him in such manner as shall seem meet to them.

SEC. 3. This act shall take effect from and after its passage; *provided*, That this act shall have no force until the said Francis Landa, the adopting father, shall assent thereto by an instrument in writing, to be by him subscribed and acknowledged, and recorded in the office of the register of deeds of the county in which the said Landa resides.

Approved March 29, 1855.

Chapter 64.

[*Published May* 1.]

An Aact to provide for the further improvement of the Fox River above Lake Winnebago.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The company styled the "Fox and Wiscon-

sin Improvement Company," chartered by chapter ninety-eight of the Session Laws of 1853, is hereby authorized and empowered to improve the navigation of Fox River above Lake Winnebago, according to the plan proposed by Captain Cram, in his report to the Secretary of the War Department of the United States, or in such other manner by dams, locks, and canals, as will enable boats drawing not less than three feet of water, to pass from Lake Winnebago to the Wisconsin river, and for that purpose and for discharging the obligations of said company, the stockholders may increase its capital stock an amount not exceeding two hundred and fifty thousand dollars, and may authorize such assessments upon the stock held by any individual in said company as may be deemed expedient.

Authorized to increase capital stock.

SEC. 2. Whenever any of the canals, locks, or dams, to be constructed along the said Fox River, as contemplated in the first section of this act, shall be located upon swamp and overflowed lands, the property of the state, the said company is hereby authorized to appropriate for the use of said canals, locks and dams, the land upon which the same may be located, and a strip one hundred and fifty feet in width, on each side, and along the whole length of said canals and locks, and all damages which the state might claim on account of such appropriation, or of flowage of land belonging to the state, is hereby released and discharged; *Provided*, That nothing contained in this act shall be so construed as to create any liability against the state for making any improvement contained in this act.

Right of way granted by the state over its lands.

SEC. 3. This act shall take effect and be in force from and after its acceptance, by a resolution of the directors of said company, to be entered on their journal of proceedings, and a copy thereof filed in the office of the secretary of state.

Approved March 31, 1855.

Chapter 65.

[*Published April* 16.]

An Act to fix the time for holding the circuit courts in the counties of Winnebago, Fond du Lac and Manitowoc, and to provide for holding a law term in the county of Sheboygan.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The terms of the circuit court shall be holden in the counties of Winnebago, Fond du Lac and Manitowoc,, in the fourth judicial circuit, at the times following, in each year:

In Winnebago county. In the county of Winnebago, on the first Monday of May, September and January.

In Fond du Lac county. In the county of Fond du Lac, on the 3d Monday of April, August and December.

In Manitowoc county. In the county of Manitowoc, on the 4th Monday in March and September.

SEC. 2. There shall be a law term of said circuit court holden in and for the county of Sheboygan on the 2d Monday of December in each year.

SEC. 3. At such law terms above designated the court may hear and determine all motions and issues of law, in civil cases, and all causes, questions, matters or proceedings in equity, or at law in civil cases, not requiring a trial or inquest by a jury. All mesne or final process, or other proceedings in civil cases, required by law to be made returnable at the next term of the circuit court shall be deemed to be returnable at any such law term, whenever it shall be the term first holden after the issuing of such process or the instituting of such proceedings. And such law terms shall be deemed and held to be regular terms for all purposes not expressly excepted by this act; and all judgments, orders or decrees, rendered or made thereat shall be as valid and effectual as if rendered or made at any other term.

Process, when returnable.

No jury to be summoned. SEC. 4. No grand or petit jury shall be summoned for any such law term, and no criminal cause or matter shall be determined, argued or heard, or any trial or inquest, by a jury be had or taken at such term. All recognizances, process or proceedings (except final process to collect a fine, penalty or costs,) in criminal cases, made returnable at the next term of the circuit court, and all continu-

ances therein to the next term shall be deemed to be returnable at or continuances to, the next jury term, whether specially expressed or not.

SEC. 5. Motions to dissolve injunctions, in causes pending in said circuit, may be noticed for hearing before the court, and be heard and decided, at any regular jury or law term holden in any county in the circuit. The clerk of the court of the county where such motion is argued, shall enter a record of the proceedings thereto, and transmit a certified copy thereof, and also the original order or orders signed by the judge, to the clerk of the court of the county where the cause is pending, if it shall be pending in any other county; and such proceedings, order or orders shall have the same force and effect as if had or made in the county where the cause is pending. Duty of clerk.

SEC. 6. All writs, summons, indictments, recognizances and other proceedings made returnable by any law of this state, now in force, to the terms of the several circuit courts mentioned in this act shall be returnable to the terms of said circuit courts as the same are hereinbefore fixed, and all adjournments, appearances, continuances, motions and notices of any proceedings in said court, made or taken to any term of a date subsequent to the term when this act shall take effect, shall be held to be made and taken for the time hereinbefore fixed for holding the terms of said court.

SEC. 7. All acts inconsistent with this act are hereby repealed.

Approved, March 31, 1855.

Chapter 66.

(*Published April* 13, 1855.)

An Act to provide for the contingent expenses of the Bank Comptroller's Office.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of three hundred dollars is hereby annually appropriated to be paid out of the bank tax fund to defray the expenses of the New York agency of the Appropriation.

bank department, the above appropriation to be audited by the secretary of state, and paid by the state treasurer, and the bank comptroller shall annually report to the legislature a detailed account of the expenditure of the same together with the vouchers therefor.

Appropriation.

SEC. 2. The sum of twenty-six dollars is hereby appropriated to the bank comptroller, for cash paid Rufus King & Co., for paper for blanks; also the sum of twelve dollars is hereby appropriated for cash paid for express charges on the notes of the North Western and Milwaukee banks.

Approved March 31, 1855.

Chapter 67.

(*Published April* 30.)

An Act supplementary to chapter 95 of the Revised Statutes, entitled "Of change of venue, and of referring and consolidating causes."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

When suits may be consolidated.

SECTION 1. Whenever several suits shall be pending in the same court of record, by the same plaintiff against the same defendant, for causes of action, which may be joined, the court in which the same shall be prosecuted, may, in its discretion, if it shall appear expedient, order the several suits to be consolidated into one action.

SEC. 2. When several suits shall be commenced against joint and several debtors, in the same court, the plaintiff may, in any stage of the proceedings, consolidate them into one action.

Cause may be referred to referees.

SEC. 3. Whenever a cause founded upon contract shall be at issue in any court of record, or a default for want of a plea shall be entered, and it shall appear that the trial of the same, or the assessment of damages therein, will require the examination of a long account on either side, such court may, on the application of either party, or without such application, after issue joined, or on the application of the plaintiff after default entered for want of a plea, order such cause to be referred to three impartial

and competent persons, or by the consent of the parties to a sole referee.

SEC. 4. If the parties agree on three persons as referees, such persons shall be appointed by the court; if they disagree, each party shall be entitled to name one, and if either party shall refuse or neglect to name a person as referee, the court shall name one for him, and the court shall appoint the person so named, if they are free from all exceptions, and such other person as the court shall designate. Referees, how appointed.

SEC. 5. When a cause shall be noticed for trial at any circuit or county court, and it shall appear that the trial of the same will require the examination of a long account on either side, the judge holding such court, may, by rule, order such cause to be referred in like manner as in other cases under the provisions of this act.

SEC. 6. Whenever any civil action, other than those now by law authorized to be referred, shall be at issue in any court of record, such court may, by consent of all the parties, order the same to be referred to such referee or referees as shall be agreed upon by the parties; and in case the parties cannot agree upon such referees they shall be chosen in the manner provided by section four of this act, and such referees shall possess the powers and be subject to the provisions of this act.

SEC. 7. In any cause which may be referred to referees, it shall be the duty of the court or judge ordering the reference, with the consent of the parties, to appoint such one person as sole referee therein, as may be agreed upon by said parties, and such sole referee shall possess the powers and be subject to the provisions of this act.

SEC. 8. The referees appointed pursuant to the provisions of this act, shall proceed with diligence to hear and determine the matters in controversy.

SEC. 9. They shall appoint a time and place for the hearing, and shall adjourn the same from time to time as may be necessary; and on the application of either party, and, for good cause, they may postpone such hearing to a time not extending beyond the commencement of the next term of the court in which the suit is pending; provided that they may postpone the same beyond such term by the written consent of parties. Duties of referees.

SEC. 10. Before proceeding to hear any testimony in the cause, the referees shall be severally sworn, faithfully and fairly to hear and examine the cause, and to make a just

bond, or other personal obligation, given to any incorporation or insurance company, a lien, charge or incumbrance upon land or real estate, are hereby repealed: *Provided*, This section shall not be construed to extend to any note, bond or obligation, for securing the payment of which a mortgage deed upon real estate has or may be executed to any such company, and duly acknowledged and recorded.

Proviso.

SEC. 2. This act shall take effect immediately after its passage.

Approved, March 31, 1855.

Chapter 70.

[*Published April* 10.]

An Act to appropriate to the State Prison Commissioner the amount of money, ($2,813 44,) now due the convicts of the prison.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the commissioner of the state prison, out of any money in the state treasury not otherwise appropriated, the sum of two thousand eight hundred and thirteen dollars and forty-four cents, (2,813 44,) the same being the balance due convicts for over-work, which amount the commissioner shall, when drawn, pay over and disburse to the persons to whom the same may belong, pursuant to and in strict compliance with section 6, of chapter 32, of the general statutes of 1854, entitled "an act to appropriate money for the construction of the south wing of the state prison, to authorize further letting of contracts, and to provide for rewarding convicts."

Appropriation.

SEC. 2. All acts or parts of acts providing for the payment to convicts of any sum or sums of money for labor or services performed in the state prison of this state, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1855.

Chapter 71.

[*Published April 4.*]

An Act to provide for taking a Census or enumeration of the people of this State.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The town clerks of the several towns in this state, under the direction of the clerk of the board of supervisors of their respective counties, are hereby authorized and required to take an enumeration of the inhabitants in their respective towns, omitting in such enumeration, Indians not entitled to the right of suffrage under the constitution and laws of the state; and in case there shall be no organized town, or shall be no town clerk, in any district composing the whole or a part of any county, then, and in every such case, the clerk of the board of supervisors of the county to which any such district may be attached for judicial purposes, shall appoint one or more assistants with power to perform the service required of town clerks by this act; and within the limits of any incorporated city or village, the said services shall be performed by the clerk of the corporation. **Duties of town clerks, &c.**

SEC. 2. The secretary of state shall prepare appropriate forms, distinguishing therein persons of each sex, deaf and dumb, blind, insane, and persons of color, and shall cause a sufficient number of copies thereof to be printed and transmitted to the several clerks of the boards of supervisors, on or before the first day of May next, and immediately thereafter each of said clerks shall forward the requisite number of such forms to the town clerks and assistants appointed by him, within his county, to enable them to take said census in a uniform manner. **Secretary of state to prepare blanks, and furnish clerks.**

SEC. 3. The town clerks and assistants shall severally take and subscribe an oath before some persen authorized to administer oaths, previous to entering upon the discharge of the duties imposed by this act, that they will well and truly cause to be made a just and perfect enumeration of all the persons resident within their city, town or division, as the case may be, and a true return thereof make in pursuance of the provisions of this act, according to the best of their ability, which oath shall be returned with the census taken by each person respectively to the clerk of the **Clerks and assistants required to take an oath.** **Required to make return to clerk of supervisors.**

board of supervisors of the county, on or before the first day of August next.

Enumeration, how to be made.

SEC. 4. The said enumeration shall be made by an actual enquiry, by the person taking such census, at every dwelling or by personal enquiry of the head of every family, in their several cities, towns or districts, and shall commence on the first day of June next, and shall be completed and closed in two months thereafter, and said enumeration shall include only those whose place of residence shall be in said cities, towns or districts, on the first day of June aforesaid, and the several clerks and assistants shall deliver to the clerk of the board of supervisors a true and accurate enumeration of all persons within their respective cities, towns and districts, which enumeration shall be set forth in schedule, according to the form prescribed by the secretary of state, designating the city, town or district, and shall embrace the several families by the name of the head thereof, and the aggregate population therein.

Duties of cl'ks of supervisors.

SEC. 5. The several clerks of the boards of supervisors shall on the first day of August or sooner, if all the returns shall be received by him from the clerks and assistants, prepare duplicate copies of the enumeration of the inhabitants of their respective counties, and transmit one of said copies to the secretary of state and deliver the other together with the returns received from the clerks and assistants to the register of deeds of the county, and the said register shall preserve the same on file in his office.

Fees.

SEC. 6. The persons appointed to take said census shall be allowed compensation for the service to be performed in taking the same, as follows: Clerks of incorporated cities and villages shall be paid at the rate of one dollar for every one hundred persons enumerated by them respectively; town clerks and assistants appointed by the clerks of the board of supervisors shall be paid at the rate of one dollar and fifty cents for every one hundred persons enumerated by them respectively: *Provided*, That in those counties not organized for judicial purposes, and in districts not included in any town organization there may be allowed to persons taking said census additional compensation at the rate of one dollar and fifty cents for every one hundred persons enumerated therein; And *provided further*, That each clerk of the board of supervisors shall be allowed for making his returns five dollars, in case the schedules returned by him shall contain one thousand persons or less, and one dollar for every one thousand the schedules returned shall

Proviso.

Proviso.

contain exceeding that number. The accounts for taking the census as herein provided, shall be certified by the clerks of the boards of supervisors respectively, and shall be paid out of the State Treasury.

SEC. 7. Every clerk of the board of supervisors, town clerk or assistant appointed, and who shall have accepted said appointment, who shall neglect or refuse to perform the duties required by them in taking or returning the census as herein directed, shall forfeit and pay the sum of Two Hundred and Fifty Dollars, to be recovered in the manner provided by law for the collection of fines and forfeitures.

Fine for negl't of duty.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 72.

[*Published April* 14.]

An Act to enable assignees of choses in actions to maintain suits in their own names in certain cases.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. The assignee or assignees of any note which not negotiable, or any bond or chose in action, which as been or may hereafter be assigned, if the assignor be ead, and there be no executor or administrator upon his tate appointed in this state, may sue thereon, and recov- in his, her or their own name.

SEC. 2. The defendant in any suit brought under this ; may set up and avail himself of any set-off or defence sting, or which arose before notice of such assignment, he same extent and with like effect as if the assignor re still living, and such suit were brought in his own ne.

SEC. 3. This act shall take effect from and after its pas- e.

Approved, March 31, 1855.

Chapter 73.

[*Published April* 26.]

An Act to fix the time for holding the terms of the circuit court in the counties of Brown and Outagamie.

The People of the state of Wisconsin represented in Senate and Assembly do enact as follows:

Time of holding court changed.

SECTION 1. The terms of the circuit court for the counties of Brown, and Outagamie, from and after the first Monday of July, A. D. eighteen hundred and fifty-five, shall be holden at the times following to wit: In the county of Outagamie on the third Monday in April and the third Monday in October in each year. In the county of Brown on the third Monday in September, and the second Monday in January and the fourth Monday in April, in each year: *Provided*, That at the January term of said court, in each year, a petit jury only shall be summoned to attend said court, and all recognizances on criminal charges entered into before a justice of the peace shall be deemed and held to be returnable at the nex term thereafter at which a grand jury shall be summoned without regard to the said jury term.

Proviso.

Duty of judge.

SEC. 2. It shall be the duty of the judge of the tenth judicial circuit, to hold, in the county of Outagamie, on the first Monday in January in each year, a special term of the circuit court, for the purpose of hearing and disposing of all motions and questions of law; and all judgments, orders and decrees that may be made or entered at said special terms shall be as valid and effectual to all intents and purposes, as any judgments, orders or decrees made or entered in term time.

Approved, March 31, 1855.

Chapter 74.

[*Published April* 17.]

An Act supplementary to chapter 381 of the session laws of 1852, entitled an act to grant one copy of the revised statutes, laws, journals and legislative documents of this state to Beloit college and other literary institutions.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Literary associations to receive copies of all books.

SECTION 1. Whenever any books or documents mentioned in chapter 381, of the session laws of 1852, entitled an act to grant one copy of the revised statutes, laws, journals and legislative documents of the state to Beloit college and other literary institutions, to which this act is supplementary, shall be deposited in the office of the governor, secretary of state, state superintendent, or superintendent of public property, in quantities exceeding twenty-five copies, the institutions mentioned in said act shall be entitled to receive from such excess one copy of each of said volumes or documents, of whatever nature, the same as if deposited in the state library.

SEC. 2. Said literary institutions shall also be entitled to receive from the Agricultural society, and from the Historical society, one copy of each volume of the transactions of said societies, which are now or may hereafter be published; *Provided, always*, That twenty-five copies of each of said publications be retained by such societies in their respective libraries.

SEC. 3. This act shall take effect from and after its passage.

Approved March 31, 1855.

Chapter 75.

[*Published April* 28.]

An Act to amend chapter forty-one, of the Revised Statutes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That all the duties enjoined by chapter forty-one of the Revised Statutes of this State, upon any per-

son wishing to lay out a town in this State, or any addition thereto, or subdivision of out lots thereto, may be done and performed by an attorney thereto lawfully authorized; and a survey and plat thereof made and acknowledged by such attorney shall be as valid and effectual in all respects as if made by the proprietor himself.

SEC. 2. This act shall take effect from and after its passage.

Approved, March 31, 1855.

Chapter 76.

[*Published April* 28.]

An Act providing a salary for the Corresponding Secretary of the State Historical Society.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of five hundred dollars is hereby annually appropriated out of the state treasury as a salary for the corresponding secretary of the state historical society, commencing with the present fiscal year, to be paid in the same manner as the salaries of the state officers.

How paid.

SEC. 2. In case the society shall accept this appropriation, the society shall from that time forward be deemed a trustee of this state to that extent, and shall not make any sale, transfer or other disposition of the property of said society, or any part of it, without the consent, by act, of the legislature of this state.

Approved, March 31, 1855.

Chapter 77.

[*Published April* 28.]

An Act to cede the jurisdiction of the United States of a tract of land in the city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the jurisdiction of the State of Wisconsin over a tract of land in the city of Milwaukee not exceeding one acre, is hereby ceded to the United States of America, for the purpose of erecting a light house or beacon light thereon, or for any other purpose connected therewith, to be located near what is known the straiggt cut or new harbor, and that the same is hereby forever exempt from taxation so long as the same shall continue the property of the United States. *Provided*, That nothing herein contained shall destroy or interfere with the jurisdiction of the state of Wisconsin in the service or execution of any legal process: *And provided further*, That nothing herein contained shall be construed as in any way to convey the right to interupt or in any way prevent the construction of the harbor at the straight cut in whole or in part, by the city of Milwaukee, or any contractor to do do said work for said city. Proviso.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, March 31, 1855.

Chapter 78.

[*Published April* 11.]

An Act to amend section 30 of the General Statutes of the State of Wisconsin, entitled an act concerning the election of Judges, approved March 22, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter 36, of the general statutes of the State of Wisconsin, approved March 22, Sec. and chap. amended.

1854, is hereby amended and construed so as to require the election for judges of the county and circuit courts, and for justices of the supreme court, to be held on the first Tuesday of April, in the year in which such election shall be held, unless special provision is otherwise made for the first election of a county or circuit judge.

SEC. 2. This act shall take effect immediately after its passage, and shall be published by the state printer.

Approved March 31, 1855.

Chapter 79.

[*Published April* 25.]

An Act to amend chapter 53 of the Revised Statutes, entitled of electric telegraph lines.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever any person or persons or corporation owning any telegraph line mentioned in section 1, of chapter 53 of the Revised Statutes, shall abandon or discontinue the use of the same, such person or persons or corporation owning the same, shall forthwith take down, remove and carry away all the wires used upon said telegraph line, and shall take down and remove all telegraph poles, posts or fixtures, which can in any wise endanger or obstruct travel along any public highway.

SEC. 2 In case where the use of any telegraph line has been abandoned or discontinued, or shall be abandoned or discontinued, as mentioned in the first section of this act, and the wires, posts or fixtures shall not be removed or taken away by the owner or owners, as provided by this act within three months after the time of the use of the same is so abandoned or discontinued, it shall be lawful for any person owning any land near or through which said telegraph line may pass, to take down, carry away and dispose of any wires or posts so left standing or remaining as provided in this act for his or their own use.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, March 31, 1855.

Chapter 80.

[*Published April —.*]

An Act to amend an act to give effect to an act entitled an act to amend chapter 86 of the revised statutes, and for other purposes, approved, April 3d, 1854, relating to county courts, approved, February 28, 1855.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight (8) of said act, approved February 28, 1855, is hereby so amended as to read as follows: "This act shall not apply to the counties of Milwaukee and La Crosse. Sec. amended.

SEC. 2. This act shall take effect fom and after its passage.

Approved, March 31, 1855.

Chapter 81.

[*Published April* 20.]

An Act to provide for defraying the contingent expenses of the state for the present year, and to repeal section 8, of chapter 9, of the revised statutes, which appropriates six hundred dollars for the same object.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of defraying the contingent expenses of the state for the present year, the sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be drawn from the treasury by and expended under the direction of the Governor, as the exigencies of the public service may require, and it is hereby made the duty of the Governor to cause to be transmitted to the next legislature at the opening of the session thereof, a detailed statement of the expenditure of this appropriation. Appropriation for contingent expenses of the state.

SEC. 2. Section 8, of chapter 9, of the revised statutes, which appropriates the sum of six hundred dollars, and all other acts making appropriations for the objects provi- Sec. repealed.

ded for by the appropriations made in section 1 of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, March 31, 1855.

Chapter 82.

[*Published April* 14.]

An Act to amend section twenty-four of the revised statutes.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sec. amended.

SECTION 1. Section fifty four of chapter twenty-four of the revised statutes shall be amended as follows: by inserting after the word "lands" in the first line of said section, the words "and all clerks or persons employed by them, or about any of their respective offices."

SEC. 2. This act shall be in force from and after its passage.

Approved, March 31, 1845.

Chapter 83.

[*Published April* 25.]

An Act to provide for regulating Railroad Crossings.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To regulate railroad crossings.

SECTION 1. Whenever the track or line of any railroad built or projected by any railroad company in this state, pursuant to its charter, shall cross the track or line of any other railroad in this state so built or projected, the Presi-

dent of either company may apply to the judge of the circuit court of the circuit within which such point of crossing may be for the appointment of commissioners for the purposes hereinafter specified.

Notice to be served on president and secretary.

SEC. 2. A written notice specifying the time and place when and where such application will be made before the judge, shall be served at least ten days before such time, on the president or secretary of the other railroad company.

Judge to appoint commissioners.

SEC. 3. On such application and proof of the service of such notice, the judge shall appoint three disinterested commissioners, who shall be competent men and possessed of practical knowledge on the subject, to prescribe the manner in which said railroads may cross each other—the regulations to be observed by each company in respect to the running of trains over its road at and near the point of intersection—the compensation to be paid by either company for the right of way across the track or adjoining lands of the other company, which may first have obtained a right of way across the lands at the point of intersection, and all other rules and regulations necessary to secure the rights, convenience and safety of said company and of passengers.

Commission'rs to take oath.

SEC. 4. The commissioners shall be sworn faithfully to discharge the duties of their appointment, and shall cause notice in writing of not less than ten days to be given to the president or secretary of each company personally, stating the time and place when and where they will meet to decide upon the matter, which time shall not be more than thirty days after their appointment, unless a vacancy shall happen, which may make a longer time necessary. They shall examine the premises and hear all proofs of arguments submitted by the parties, and may adjourn from time to time not exceeding fifteen days in all, giving due notice thereof to both parties, and shall within that time make an order in writing, specifying clearly all the particulars required by section three of this act, in which a majority of them shall concur; and either company on complying with all the conditions prescribed in such order, shall be permitted to construct its road across the line or track of such other road, and run engines and trains under the regulations or restrictions specified in such order.

To file order.

SEC. 5. The commissioners shall forthwith file such order in the office of the clerk of the court of the county in

which said railroads cross, and cause a copy thereof to be delivered to the president or secretary of each company; and either company may appeal from the decision of the commissioners, within ten days after the filing of the order and delivery of the copy, by filing a notice of appeal with the clerk of the court, and serving a copy of the notice on the president or secretary of the other company, which appeal shall be to the circuit court of the same county.

Company may appeal.

Appeal to be tried by court.

SEC. 6. Such appeal shall be tried by the court, and if the court shall find that the proceedings of the commissioners have not been in conformity with this act, or that their decision is unjust or unreasonable, the same shall be reversed, otherwise it shall be affirmed. On reversing such decision, the court shall immediately appoint three commissioners who shall proceed, as above provided, to another hearing and determination; *Provided*, That either party may require that the amount of the compensation to be paid by either company as aforesaid shall be determined by a jury.

Proviso.

SEC. 7. The judge shall from time to time appoint new commissioners on the same notice as above provided, on the first application to fill vacancies, or in case those before appointed shall have failed to complete their duties.

Fees of commissioners.

SEC. 8. The fees of the commissioners shall be paid by the company making the application; and on all costs on an appeal as the court shall order.

SEC. 9. If the president of either company shall so request, the commissioners shall direct in their order that the road of said company may cross the other road on the grade of such other road, and prescribe such regulations respecting the stoppage of trains on the said road (first mentioned in this section) near the point of crossing, as the commissioners may deem necessary to secure safety on both roads.

SEC. 10. No company which shall have obtained the right of way, and constructed its road at the point of intersection, before the application for the appointment of commissioners may be made, shall be required to alter the grade or change the location of its road, or be required to defray any part of the expense of the crossing, or of the proceedings under this act.

SEC. 11. This act shall take effect from and after its passage and publication.

Approved April 2, 1855.

Chapter 84.

[*Published April 5.*]

An Act to provide for the protection of the swamp and overflowed lands in this state, and to grant pre-emption rights thereon.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the Governor of this state, within a reasonable time after the passage of this act to cause to be made complete descriptive lists of all the swamp and overflowed lands granted to this state by an act of congress, entitled, "act to enable the state of Arkansas and other states to reclaim the Swamp lands within their limits," approved September twenty-eighth, eighteen hundred and fifty, lying within each of the several counties of this state, so far as the same have been surveyed; and he shall attach to each of such descriptive lists a certificate that the same is a complete descriptive list of all the swamp and overflowed lands granted to this state by the act of congress aforesaid, lying within the county for which the list is made, so far as he can ascertain the same; and he shall cause such descriptive lists, with the certificates thereto annexed, to be transmitted to the register of deeds of the several counties for which said lists are made. **Description lists of swamp and overflow'd lands to be made.**

SEC. 2. The register of deeds for the several counties of this state, on receiving such descriptive lists, shall record the same in a book of deeds in his office, and preserve the original in his office. **Register of deeds to make record.**

SEC. 3. Any person who shall wilfully cut down or destroy, or by girdling or otherwise shall injure any trees growing or situated on any of the said swamp or overflowed lands granted to this state by the act of congress aforesaid, or who shall wilfully cut or take, carry or haul away from any such lands, any timber or wood previously cut or severed, from said lands, shall be guilty of a misdemeanor, and upon conviction of any of said offences shall be punished by imprisonment in the county jail of the proper county, not more than one year, nor less than three months, or by fine not exceeding five hundred dollars. **Penalty for destroying timber.**

SEC. 4. Any justice of the peace shall have concurrent jurisdiction in his own county, with the circuit court, of any offence mentioned in the preceding section, when the **Justice of the peace to have concurrent jurisdiction.**

sage of this act or within thirty days after he or she shall have commenced the occupancy of such lands intended to be claimed as a pre emption, or after the commencement of his or her improvement thereon, make or cause to be made a certificate, in writing, describing the lands claimed as his or her pre emption right, and certifying that he or she claims the right of pre-emption to such lands, that it is his or her bona fide intention to purchase said lands under his or her pre-emption claim, whenever the same shall be brought into market, and that he or she is either in the occupancy of the same or some part thereof, or that he or she have made some improvements thereon; such certificate shall be signed by the person claiming the pre emption, and the truth of said certificate shall be attested by the oath of the person signing the same; such certificate so made, signed and attested, shall be acknowledged by the party signing the same before some person authorized to take the acknowledgments of deeds, and he or she shall cause the same so acknowledged to be recorded in the office of the register of deeds for the county in which the lands described in such certificate are situated.

Parties to make oath to certificate.

To be recorded in office of register of deeds.

SEC. 12. The register of deeds of the several counties in this state shall record such certificates in a book to be kept by them for that purpose, and they shall receive the same fees for recording such certificates as they are authorized to receive for the recording deeds.

Register of deeds to record certificates.

SEC. 13. Each and every person who shall have caused a certificate of his or her pre-emption claim to be made, attested and recorded as provided in section eleven of this act, shall be entitled to the exclusive possession of the lands therein described until such time as the same shall be brought into market for sale, or until he or she shall have forfeited his or her right to such pre-emption; and such certificate, or the record thereof, or a certified transcript for the record thereof, shall be sufficient evidence of title to enable the person making the same to maintain any suit or suits, action or actions, against any person or persons, in any court of competent jurisdiction, for any trespass or injury done to such lands or any part thereof, or to any buildings or improvements thereon, or to the timber, grass, grain or other product growing or being thereon, or any proper action or proceeding to recover possession thereof. All persons claiming lands under this act shall be required to drain and reclaim the same so far as

Right of persons making certificate.

Duty of persons claiming lands.

the same may be necessary for the purposes hereinafter contemplated.

SEC. 14. This act shall take effect and be in force from and after its passage and publication.

Approved, April 2, 1855,

Chapter 85.

[*Published April* 24.]

An Act for attaching Columbia County to the Ninth Judicial Circuit.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The county of Columbia is hereby attached to, and shall constitute a part of, the ninth judicial circuit of this state.

SEC. 2. The time for holding the regular terms of the circuit courts, in said county of Columbia, shall be on the second Monday of February and on the second Monday of September in each year.

Time of holding court in Columbia co.

SEC. 3. This act shall take effect from and after the second Monday of April next.

Approved, April 2, 1855.

Chapter 86.

C57n.32

[*Published April* 24.]

An Act for the protection of Laborers on Railroads.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SEC. 1. All railroad corporations within this state shall be responsible and obligated in law to the laborers on the line or lines of railroads being constructed by said corpo-

Railroad corporations responsible to laborers.

appeals are taken from a final decree in suits in

the provisions of law relating to Informa-
ature of a Quo Warranto, and the prosecu-
e same in the Supreme Court, are hereby made
plicable to the circuit courts of this state.

not

SEC. 3. The provisions of this act shall not apply to any case where any person shall usurp, intrude into or unlawfully hold or exercise any state office: *Provided*, That in all cases above provided for either party may appeal to the supreme court.

Proviso.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 31, 1855.

Chapter 90.

[*Published April* 28.]

An Act in relation to moneys derived from licences and to repeal so much of the Session Laws of 1851, as is inconsistent with the provisions of this act.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Disposition of money derived from licenses.

SECTION 1. All moneys derived from licenses granted by the towns, cities and villages of the several counties in this state, under chapter one hundred sixty-two of the session laws of eighteen hundred fifty-one, shall be paid by the treasurers of said towns, cities and villages into the treasury of the county, semi annually, and to be applied solely for the purpose of defraying the pauper expenses of said counties in which the distinction between town and county poor has been abolished and all paupers are become county paupers.

Acts repealed.

SEC. 2. All acts and parts of acts that conflict with section one of this act are hereby repealed, and this act shall be in force from and after its passage.

Approved April 2, 1855.

Chapter 91.

[*Published April 9.*]

An Act to authorize the State Superintendent of Public Instruction to dispose of the title of the State of Wisconsin to Escheated Lands.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State Superintendent of Public Instruction is hereby authorized and required to sell and dispose of, at public auction, all the right, title and interest of the State to any lands which have escheated to the former Territory of Wisconsin, or to the State of Wisconsin for want of heirs. **State superintendent to dispose of escheated lands.**

SEC. 2. Upon the sale of said land the Superintendent shall make out a certificate to the purchaser or purchasers, stating the price of the same, and the county where the same lie, giving, if known, a particular description of the same, and the Governor of the State, upon the presentation of the said certificate, shall, as Governor of the State, execute to said purchaser or purchasers, his or their assignee or assignees, a quit claim deed for the land described in said certificate, and the Secretary of State shall contersign the said quit claim deed, and affix the great seal of the state to the same: and the said quit claim deed, so executed as aforesaid, shall vest in the grantee or grantees, his or their heirs or assigns, all the title of the State of Wisconsin in and to the said land, both at law and in equity; and the said grantee or grantees, his or their heirs or assigns, shall have the same right of action, in the name of the State of Wisconsin, as the state would have had without said sale and conveyance: *Provided*, That in no event the State shall be liable for any costs, or pay any money for any purpose after the execution of the said deed, made and arising from the sale of the said land. **To make out certificate to purchasers.** **Governor to execute quit claim to purchasers.** **Proviso.**

SEC. 3. The State Superintendent before making any such sale shall cause public notice to be given for at least six weeks before the time fixed for such sale, of the time and place of making the same; which said notice shall be by publication in not less than one newspaper published in the county where the land lies, or if no paper be published in said county, by publication in two of the papers printed at the seat of government. **Notice of sale to be given.**

Approved, March 31, 1855.

Chapter 92.

[*Published April 9.*]

An Act to amend an act entitled "an act for the encouragement of Agriculture and its kindred arts in this state," approved March 23d, 1854.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sec. amended.

SEC. 1. Section four of chaper 40 of the General Laws of 1854, entitled "an act for the encouragement of agriculture and its kindred arts in this state," is hereby so amended as to read as follows:

"The sums of money hereby appropriated shall be paid to the treasurer of said society in the month of March in each year, upon the order of the President and Secretary of said society: *Provided*, That if this act shall be repealed prior to the payment of such sum of money, in any year, then said society shall not be entitled to the appropriation herein named on the year of such repeal."

Proviso.

SEC. 2. This act shall take effect from and after its passage.

Approved March 31, 1855.

Chapter 93.

[*Published, April 9, 1855.*]

An Act supplementary to an act entitled "An Act to establish a State Board of Equilization of State Tax, and to provide for levying a State Tax for the year 1854," approved April 1st, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Clerk of board of supervisors—his duty, and penalty for neglect.

SECTION 1. If the clerk of the board of supervisors of any county shall neglect or refuse to forward to the secretary of state, the statement required by section four of an act entitled "an act to establish a state board of equalization of state tax, and to provide for leving a state tax for the year 1854," approved April 1st, 1854, and within the time as required by said section four, such clerk shall

be deemed guilty of a misdemeanor, and shall be liable to a fine of fifty dollars and costs of collection of each and every offence; and it shall be the duty of the secretary of state, in every case where such statement shall not be received at his office, from any clerk, as aforesaid, on or before the first day of September in each year, to notify the district attorney of the county in which such clerk resides, of the delinquency of said clerk; and it shall be the duty of said attorney, on receiving such notice from the secretary of state, to demand of such delinquent clerk the penalty herein provided, and in case of refusal to pay such penalty, said attorney shall proceed to collect the same by legal coercion, with costs and fees as in other criminal cases. In case of prosecution of any clerk as herein provided, the certificate of the secretary of state, under seal of his office, shall be prima facie evidence of delinquency on the part of the clerk and consequent liability for the penalty provided in this act.

Duty of secretary of state.

SEC. 2. Every district attorney shall forthwith pay over to the treasurer of his county any fines received or collected by him under the provisions of this act, as provided by law in respect to fines and forfeitures.

SEC. 3. This act shall take effect and be in force from and after its passage and publication.

Approved, April 2, 1855.

Chapter 94.

[*Published April* 10.]

An Act for the relief of the purchasers of Section 16, in Township 24, Range 21.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every person who holds a patent or certificate of purchase of any portion of that part of the sixteenth section, lying within the Military Reserve of Fort Howard, in the county of Brown, shall be entitled to receive the purchase money and interest paid for the lands

Holder of patent entitled to money, &c.

described in any such patent, or certificate, together with interest thereon from the dates of payment of the several sums up to the time when the same shall be refunded; and the secretary of state is hereby authorized to audit any claim presented for payment under this section, and the same when audited shall be paid out of the school fund.

Appraisers to be selected in certain cases.

SEC. 2. Whenever the purchaser, his heirs or assigns of any of the lands described in the first section of this act, shall have valuable improvements upon the lands claimed by him, and shall give notice thereof to the attorney general of the state, he shall select an appraiser, and the owner of such improvements shall select another appraiser, who together, if they are unable to agree, shall select a third, neither of whom shall have any interest directly or indirectly in the subject matter, nor be of kin to such owner; and said appraisers or a majority of them shall proceed to hear testimony and assess the value of such improvements, and their award shall be made in writing and returned to the secretary of state within sixty days after the hearing, unless an appeal shall be taken as hereinafter directed.

Shall make award.

Parties may appeal from award to circuit court.

SEC. 3. Either party may appeal from such award to the circuit court of the county of Brown, within thirty days after the same shall be made, and such appeal shall be tried by a jury as other cases commenced in said circuit court, and upon the finding of the jury, judgment may be rendered in favor of either party, but no execution shall issue thereon against the attorney general.

SEC 4. The return of said award to the secretary of state by the appraisers, or of a certified transcript of the judgment rendered upon appeal by the circuit court, shall authorize the said secretary to draw his warrant upon the treasurer for the payment of the amount found due and all costs, to be paid out of the school fund.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 2, 1855.

Chapter 95.

[*Published May 2, 1855.*]

An Act to amend chapter 477 of the Session Laws of 1852, entitled an act providing more fully for the organization of the State Prison and for regulating chapter 287 of the Session Laws of 1851, and to provide more fully for the organization of the State Prison.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SEC. 1. The commissioner of state prison is hereby authorized to let out the work of the convicts engaged in the mechanical departments of labor in the prison to the highest and best bidder or bidders, who shall make application to contract for such labor, upon such conditions as shall to him seem most beneficial, when he shall deem that the same can be done for the best interest of the state. Previous to entering into any contract with any person or persons, for the purpose above specified, the commissioner shall give notice, in at least two newspapers in the state, that the labor of the convicts, in the respective mechanical departments, will be let out to the highest and best bidder or bidders, on a day certain, which shall be specified in such notice, and that sealed proposals for said labor will be received at the office of the commissioner, up to a certain day or hour, also specified in such notice. Said notice shall be published at least three successive weeks.

Commission'rs of state prison to let work of convicts to highest bidder.

To give notice.

SEC. 2. The person or persons to whom such labor may be given, on contract, shall be required by the commissioner to give good and sufficient bonds, with two or more sureties, in such reasonable sum as may be deemed necessary for the faithful performance of such contract; and such person or persons, so contracting, shall be further required to pay such reasonable rentage for the use of the prison shops furnished by the state as shall be agreed upon between them and the commissioner aforesaid.

Persons receiving such labor to give bond.

Shall pay rent.

SEC. 3. If the commissioner of the prison shall at any time deem it for the best interest of the state, he may employ the convicts outside the prison or yard, in quarrying stone, cultivating the prison farm, or in any other labor pertaining to the prison, when the same can be done without any chance or possibility of escape on the part of the convicts so employed; and in such case the commissioner shall at all times detail a sufficient force of the prison police to watch and guard the convicts, when so em-

Commissioner may employ convicts.

ployed, as prudence shall direct and the necessities of the case require.

SEC. 4. The commissioner is also hereby authorized and required to employ the labor of the convicts who understand stone dressing, in dressing stone suitable for the main building of the prison, on the prison walls, either or both, so long as he shall deem it for the interest of the state so to do, and he may also, if he deem the same advisable, make the necessary excavations for the main building of the prison, and do such other work in connection therewith as shall be proper, preparatory to the erecting of the main buildings, according to the present plan thereof; and shall have power to contract for all the stone necessary to be dressed and used for the above purposes.

Warden to make contracts

SEC. 5. All contracts on account of the prison shall be made by the warden, in writing, unless when the wants and necessities of the prison shall compel the commissioner to purchase supplies of any kind immediately, in which case he is hereby authorized to purchase the same upon verbal agreement.

Salary of chaplain.

SEC. 6. The chaplain of the prison shall receive a yearly salary of two hundred and fifty dollars, to be paid in equal quarterly payments.

Acts repealed.

SEC. 7. All acts or parts of acts contravening the provisions of this act are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved April 2, 1855.

Chapter 96.

[*Published April* 19.]

An Act to appropriate the Income of the University Fund for 1855.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

University fund appropriated.

SECTION 1. The income of the University Fund for the year A. D. 1855, is hereby appropriated to "The University of Wisconsin," to be drawn from the State Treasury in such manner as the board of Regents, by their by-laws or resolution shall direct.

Approved, March 31, 1855.

Chapter 97.

[*Published May 2.*]

An Act for the safe keeping of bills, memorials, or other legislative documents, and to punish offences for destroying or altering the same.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The chief clerk of the senate shall be personally responsible for the safe keeping of every bill, memorial, joint resolution or other documents or paper pertaining to legislation which shall come to his hands, or to the hands of his deputy or assistant, from any member, committee or officer of the legislature, or either branch thereof; and he shall keep a record of all such bills, memorials, joint resolutions, or other documents or paper pertaining to legislation, which shall come to his hands or possesession as such clerk, or which shall come to the hands of his deputy or assistant clerk, and shall enter in such record, the dispostiion made of the same.

Chief clerk of senate responsible for the safe keeping of bills, &c.

To keep record of.

SEC. 2. The chief clerk of the assembly shall be personally responsible for the safe keeping of every bill, memorial, joint resolution or other document or paper pertaining to legislation, which shall come to his hands from any member, committee, or officer of the legislature, or either branch thereof; and he shall keep a record of all such bills, memorials, joint resolutions, or other document or paper pertaining to legislation which shall come to his hands or possession as such clerk, or which shall come to the hands of his deputy, assistant clerk, and shall enter in such record, the disposition made of the same.

Chief clerk of assembly responsible for the safe keeping of bills, &c

To keep record of.

SEC. 3. If any clerk, deputy or assistant clerk, or any other person or persons, shall knowingly and wilfully take or abstract from the files or possession of the chief clerk of either branch of the legislature, or from the possession of any deputy or subordinate clerk of thelegislature, or of either branch of the legislature, having the custody of the same, or any bill, memorial, joint resolutiion, report or other document or paper, pertaining to, or a part of the business of the legislature, or either branch thereof, or shall knowingly and wilfully take or abstract any act, bill, memorial, joint resolution or other document or paper pertaining to or a part of the business of legislation, from the possession of the governor or his pri-

Penalty for destroying any legislative document.

vate secretary, or from the office or possession of the secretary of state, with intent thereby to impede legislation or to defeat the passage of any such act, memorial or joint resolution, through the legislature or either branch thereof, or to prevent the same from taking effect or becoming a law, such clerk, deputy, assistant or officer of either branch of the legislature, or other person so offending, shall be deemed guilty of a crime, and shall be punished by imprisonment in the county jail not less than three months, nor more than one year, or shall pay a fine not exceeding five hundred dollars nor less than one hundred, in the discretion of the court.

Penalty for altering any document.

SEC. 4. If any clerk, officer, or other person, shall alter, mutilate or forge any such act, bill, memorial, joint resolution, or other document or paper, pertaining to or being a part of the business of legislation, with wilful or malicious intent to destroy the same, or so as to change the intent or meaning of the same when it passes the legislature, or either branch thereof, such clerk, officer, or other person, shall be deemed guilty of a crime, and shall be punished by imprisonment in the county jail not to exceed one year nor less than six months, or by fine not exceeding five hundred dollars nor less than two hundred dollars, at the discretion of the court.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 2, 1855.

Chapter 98.

[*Published April* 6.]

An Act to pay the postage of the several State Offices.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sec'y of state to audit acc't of postmaster.

SECTION 1. The secretary of state is hereby authorized to audit the accounts of the postmaster at Madison, for the postage of the executive office, office of secretary of state, attorney general, state superintendent, bank comptroller,

state treasurer, and clerk of the supreme court, for the year 1855, said accounts to be certified by the said postmaster by affidavit.

SEC. 2. There is hereby appropriated to the postmaster at Madison, out of any money in the treasury not otherwise appropriated, a sum sufficient for the payment of the above accounts, to be drawn quarterly from the treasury, upon the presentation of said accounts property certified to by their respective offices. Appropriation.

Approved April 2, 1855.

Chapter 99.

[*Published April* 24.]

An Act to amend an act "entitled an act to amend chapter eighty-four of the revised statutes," relating to proceedings in chancery.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of an act entitled "an act to amend chapter eighty-four of the revised statutes, approved April 2, 1853, is amended so as to read as follows: Sec. amended.

"In all suits of chancery brought to compel a specific performance of a contract or foreclose any mortgage made by any person or persons, who have died, or brought by any person having the possession and legal title to land in any case where any other person while living set up any claim thereto, and his, her or their heirs, against whom the suit is brought, or any of them, are unknown to the complainant or complainants, it shall be lawful for him, her or them, to proceed against such unknown heirs as against absent defendants to the bill, by the name or description of 'The unknown heirs of deceased, filling the blank with the name or names of the deceased person or persons whose heirs may be proceeded against, and by such name or description notice shall be given by publication, and any decree made against such unknown heirs shall be as valid and binding as if his, her or their respective names had been inserted in the bill and proceedings.

SEC. 2. This act shall be in force from and after its passage.

Approved, April 2, 1855.

Chapter 100.

[*Published April* 28.]

An Act to amend chapter twenty-eight of the Revised Statutes relative to Superintendents of the Poor.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap amended

SEC. 1. Whenever any vacancy shall occur in any office of superintendent, whose election is provided in section thirty-three, chapter twenty-eight of the revised statutes, the same may be filled in the same manner as now provided for in an original election for the aforesaid superintendent.

SEC. 2. This act shall take effect from and after its passage.

Approved April 2, 1855.

JOINT RESOLUTIONS

OF THE

SENATE AND ASSEMBLY,

OF THE STATE OF WISCONSIN—SESSION OF 1855.

Number 1.

Joint Resolution in relation to patents.

Resolved, by the two Houses of the Legislature of the State of Wisconsin, in general assembly, That our senators be instructed, and our representatives in congress be requested to use all honorable means to prevent any renewal by congress or otherwise, of the patents formerly granted to Cyrus H. McCormick, More & Hascal, and Obed Hussey for reaping and mowing machines, as such extension would operate to the great detriment of the agricultural interests of this State. **In relation to patents.**

Resolved, That the Governor be requested to forward to each of our senators and representatives in congress, a copy of the foregoing resolutions.

Approved, Jan. 29, 1855.

Number 2.

Joint Resolution concerning the naturalization law.

1. *esolved by the Senate of the State of Wisconsin, the Asembly concurring,* That we are opposed to the alteration of the law on the subject of naturalization, and that our senators be instructed and representatives in Congress **To naturalization law.**

be requested to oppose the passage of any law extending the time of residence beyond the time now required by existing laws on that subject.

2. That the Governor be requested to forward a copy of this resolution to each of our senators and representatives from this state.

Approved January 29, 1855.

Number 3.

Joint Resolution relating to the Revised Statutes.

To revised statutes.

Resolved, by the Senate, the Assembly concurring, That the superintendent of public property be instructed to purchase for the benefit of the state the unsold balance of the published edition of the "Revised Statutes of Wisconsin," now remaining for sale: *Provided*, The number of such copies shall not exceed three hundred and twenty-five, and can be procured at a price not exceeding two dollars and fifty cents per copy.

Approved January 2, 1855.

Number 4.

Joint Resolution in relation to the return of School Money.

To school money.

Resolved, by the Senate, the Assembly concurring, That the joint resolution of last session, which authorizes the state treasury to withhold school money from the counties deficient in the payment of their state revenue, be and the same is hereby rescinded.

Approved February 5, 1855.

Number 5.

Joint Resolution of the Senate and Assembly of the State of Wisconsin respecting the Officers, Soldiers and Sailors who served in the war of 1812.

Resolved by the Senate, the Assembly concurring, That in the disposal of the public lands by the Congress of the United States, the claims of the surviving officers, soldiers and sailors who served in the war of 1812, and of the widows and legal representatives of such deceased officers, soldiers and sailors ought not to be disregarded or overlooked, and that all such officers, soldiers, sailors, widows, and legal representatives should be entitled to the same bounty from the General Government as has been extended to the soldiers in the late Mexican war. To officers, &c. of the war of 1812.

Resolved, That the benefits of the Pension System which was established for the soldiers of the war of the Revolution, should be extended to the officers, soldiers and sailors of the war of 1812, and their respective widows.

Resolved, That his Excellency, the Governor, be requested to transmit a copy of these resolves to each of our senators and representatives in Congress, who are requested to lay them before the respective houses of Congress.

Approved February 8, 1855.

Number 6.

Joint Resolution providing for committee to visit State Prison.

Resolved, by the Senate, the Assembly concurring, That a committee of five—two from the Senate and three from the Assembly, be appointed to visit the State prison, with instructions to report to their respective houses, the present condition and future wants of the same, and that they have power and authority to investigate all the concerns of said prison, and the accounts of the commissioner for the last year, and the contract, and the amount paid thereon, and amount due, of Mr. Proudfit. Also to enquire into, and report upon the discipline of said prison by the commissioner thereof, and shall have power to send for and examine persons and papers. Committee to visit state prison.

Approved, Feb. 10, 1855.

Number 7.

Joint Resolution in relation to the Transmission of the Statutes and Public Acts of Wisconsin to "The New York Law Institute."

To transmission of statutes &c., to N. York Law Institute.

Resolved, by the Senate and Assembly of the State of Wisconsin, That the secretary of state be directed to transmit to "The New York Law Institute," in the city of New York, a full and complete set of the statutes and public acts of the State of Wisconsin, heretofore published; and also of those hereafter to be passed, at each session of the legislature, as soon as published and ready for delivery, and distribution.

Approved February 18, 1855.

Number 8.

Joint Resolution instructing the committee on enrolled bills to strike out certain words in an act entitled "an act to amend the charter of the Milwaukee and Mississippi Railroad Company."

Committee on enrolled bills to strike out certain words.

Resolved, by the Senate the Assembly concurring, That the joint committee on enrolled bills are hereby instructed to strike out the words "or near" where they first occur in section one of a bill, entitled "a bill to amend the charter of the Milwaukee and Mississippi Railroad company," which has passed the senate and assembly and been enrolled, and which words were stricken out by the senate in its passage, and was transmitted to the Assembly with those words in the engrossed bill.

Approved, February 21, 1855.

Number 9.

Joint Resolution relative to the sale of School and University Lands.

Relative to the sale of school lands.

Resolved, That the Secretary of State be, and he is hereby directed to cause to be published the "suspending the sale of the School and University lands, except for settlement and cultivation," immediately after the same shall be approved by the Governor.

Approved March 5, 1855.

Number 10.

Joint Resolution for the election of members of the Board of Regents of the University of Wisconsin.

Resolved, by the Senate, the Assembly concurring, That the senate and assembly will meet in joint convention in the assemly hall on Wednesday, the 14th day of March inst., at 3 o'clock P. M., to elect four members of the Board of Regents of the University of Wisconsin, pursuant to section 4 of chapter 18 of the revised statutes, and to fill vacancies, if any there are, in said board.

To election of board of Regents of the university of Wisconsin.

Approved March 13, 1855.

Number 11.

Joint Resolution for distributing of Documentary History of Wisconsin.

Resolved, by the Senate and Assembly of the state of Wisconsin, That the Superintendent of Public Property be directed to distribute to each member and officer of the present legislature and to the present state officers five copies of the Documentary History of Wisconsin, including such portion of said work as may not now be deposited with him, to be delivered to the Secretary of State to be forwarded in the same manner, and with the session laws.

To distribut'n of Documentary History.

Approved March 31, 1855.

Number 12.

Joint Resolution for adjournment.

Resolved, by the Senate the Assembly concurring, That this Legislature will adjourn sine die, on Monday the 2d day of April next, at six o'clock in the morning.

To adjournment.

Approved, March 31, 1855.

MEMORIALS

OF THE

SENATE AND ASSEMBLY,

OF THE STATE OF WISCONSIN—SESSION OF 1855.

Number 1.

A Memorirl to Congress for the establishment of a mail route from Fond du Lac to La Crosse.

The memorial of the Legislature of lhe State of Wisconsin respectfully represents :

Memorial for a mail route fr'm Fond du Lac to La Crosse.

That the interest and convenience of a large section of the State urgently demand the establishment of a tri weekly mail route from Fond du Lac via. Rosendale, Ripon, Dartford, Princeton, Montello, Packwaukee, Oxford, Dell Prairie, Newport, Dellton, Seven Mile Creek, Mosston, Fountain, Ridgville, Sparta, Big Valley, Burns City, and Neshaunock to La Crosse.

The said route is a direct line and much the shortest and est from La Crosse to Lake Michigan, and if once estabshed would speedily become one of the greatest thoroughares in the state.

Your memorialists therefore ask that said route may be nmediately established.

Approved January 29, 1855.

Number 2.

A Memorial to Congress for a mail route from Fox Lake to Montello.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

From Fox Lake to Montello.

That the wants and interests of a portion of country, very thickly settled, and now almost entirely destitute of mail facilities, urgently require the establishment of a tri-weekly mail route from Fox Lake, in Dodge county, via Shawana, Kingston and Long Lake, to Montello, in Marquette county.

That the amount of mail matter which would be transmitted over said route immediately upon its establishment would more than remunerate government from the expense of carrying the same.

Your memorialists, therefore, respectfully ask that said route may be immediately established.

Approved January 29, 1855.

Number 3.

A Memorial to Congress for a mail route from Oshkosh, in Winnebago county via Evanswood, Weyawega and Waupacca, Ogdensburgh, in Waupaca county, and Amherst, to Steven's Point, in Portage county.

The Hon. the Senate and House of Representatives, in Congress assembled.

The Memorial of the Senate and Assembly of the State of Wisconsin, sheweth:

From Oshkosh via. Evanswood, etc., to Stevens Point.

That the interest and commerce of the north-eastern and north-western portions of this state require imperatively the establishment of a tri-weekly mail route from Oshkosh, in Winnebago county, via Evanswood, Weyawega and Waupacca, Ogdensburg, in Waupacca county, to Amherst and to Steven's Point, in Portage county.

Approved February 6, 1855.

Number 4.

To the Honorable, the Post Master General of the United States.

The memorial of the Legislature of the State of Wisconsin, respectfully represents:

That the interests and convenience of the citizens of Marathon, Marquette, Adams, Waushara, Columbia and Portage counties would be much advanced by your favorable consideration of this memorial, viz:. the increase of mail facilities on the following routes:

For increase of mail service on routes Nos. 13794 & 13783.

Route No. 13794, from "Portage City" to "Stevens' Point" via "Packwaukie," to three times a week.

Route No. 13783, from "Stevens' Point" to "Wausau," to twice a week, and the same be extended from "Wausau" to "Jenny Bull," in Marathon county.

And further that a route may be established from "Wausau" to the "Upper Mill" on the L'Eau Claire River, distance from "Wausau" ten miles, once a week.

Approved February 13, 1855.

Number 5.

Memorial to the Post Master General for the establishment of a mail route therein named.

To the Honorable, the Post Master General of the United States.

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interest and convenience of the citizens of a thickly populated portion of Dodge county are greatly interested in the establishment of a semi-weekly mail from Theresa, via. Mayville, Horicon, to Juneau, in Dodge county.

From Theresa to Juneau.

Your memorialists therefore respectfully ask, that the mail service asked for, be established at the earliest peri-

Approved February 13, 1855.

Number 6.

A Memorial to Congress for the establishment of a mail route from Springville to La Crosse.

To the Honorable the Senate and House of Represetatives of the United States, in Congress assembled.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

From Springville to La Crosse.

That the interest and convenience of a large number of the inhabitants of the counties of Bad Ax and La Crosse require the establishment of a side mail route from Springville, in Bad Ax county, to La Crosse, in La Crosse county.

Your memorialists would therefore respectfully ask that the aforesaid mail route may be established at the earliest practicable period.

Approved, February 16, 1855.

Number 7.

Memorial to the Post Master General for an increase of Mail Service on route No. 13744, between Janesville and Mineral Point.

To the Post Master General of the United States.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

For increase of mail service on route No. 13744.

That the interest and convenience of the citizens of the counties of Rock, Green, La Fayette and Iowa, require that the mail service between Janesville in the county of Rock and Mineral Point, in the county of Iowa, should be changed as follows, to wit: A daily mail from Janesville to Albany in the county of Green, and thence to Mineral Point a mail twice in a week.

Your memorialists therefore respectfully request that the change above stated be made at as early a day as possible.

Approved February 16, 1855.

Number 8.

To the Honorable, the Postmaster General of the United States.

The memorial of the State of Wisconsin respectfully requests:

That there be established a daily mail on the route between the city of Madison, the capitol of the state, and the city of Janesville, in the county of Rock.

For daily mail between Madison and Janesville.

Your memorialists would state that the distance between said cities is about forty miles, and that the city of Janesville containe over six thousand inhabitants; and that a large portion of the people residing in the county of Rock, of which the city of Janesville is the county seat, get their mail through the Janesville postoffice.

Your memorialists further represent that there are two trains of railroad cars per day passing each way between said cities, and that the mail at present is carried by a tri-weekly stage.

Your memorialists therefore respectfully ask that the aforesaid increase of mail service be granted at the earliest practical period.

Approved February 16, 1855.

Number 9.

Memorial to the Post Master General of the United States of America for an increase of mail service on route number 13756.

To the Post Master General of the United States of America.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interest and convenience of the citizens of the Western portion of the State of Wisconsin require that the mail service on route No. 13756, between Mineral Point, Wisconsin, and Warren, Illinois, be increased to a daily mail.

For increase of mail service on mail route No. 13756.

Your memorialists therefore respectfully request that the change and increase above stated be made at as early day as practicable.

Approved February 16, 1855.

Number 10.

Memorial to Congress for a tri-weekly mail route from Portage City to La Crosse.

To the Hon. the Senate and House of Representatives of the United States.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

For tri-weekly mail from Portage City to La Crosse.

That within a very few years past, the extent of country between Portage City, formerly Fort Winnebago, and La Crosse, upon the Mississippi River, in the state of Wisconsin, has attracted the attention of settlers so much that on the entire route a continuous line of actual settlements are made, farms opened, mills erected and towns and villages are springing up of the intelligent and enterprising of our common country.

That such is the business on this route, there is now in constant regular employment a semi weekly line of two-horse coaches for the conveyance of passengers, running the entire distance from Portage City to La Crosse.

That no mail route has been established although so much needed.

Your memorialists are of the opinion that a tri-weekly mail route established from Portage City to La Crosse will afford great facilities for the transmission of the mails to the Mississippi Valley, and be an act of justice to the settlers upon said route, while it would be well sustained by mail matter on the route.

Your memorialists therefore ask that said mail route tri-weekly, be established at the earliest practicable period.

The Governor of this state is requested to forward a copy of this memorial to the Hon. Henry Dodge, Senator, and Hon. Ben. C. Eastman, Representative in Congress of this state, at Washington, as soon as practicable.

Approved February 16, 1855.

Number 11.

A Memorial to the United States Congress for a daily mail route from Watertown, via Beaver Dam, Fox Lake, Mackford, Tichora Post Office, Green Lake and Dartford, to Berlin, Marquette county.

To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled.

The Memorial of the Senate and Assembly of the State of Wisconsin, in Legislature assembled, respectfully sheweth:

That the interest and convenience of a large and densely populated portion of country are concerned in the establishment of a daily mail route from Watertown, via Beaver Dam, Fox Lake, Mackford, Tichora office, Green Lake and Dartford to Berlin, Marquette county. For daily mail from Watertown, via Beaver Dam, &c., to Berlin.

Your memorialists further state that the people residing in that portion of the state, through which the proposed route would pass, many of whom are now imperfectly and very poorly supplied with mail facilities would be greatly benefitted by the establishment of the above named route, which would furnish mail facilities to the above named places, much more cheaply than is now done by the various routes on which the mails are now carried, the whole distance not exceeding sixty miles.

Approved, February 17, 1854.

Number 12.

Memorial to the Congress of the United States in relation to the establishment of a mail route.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interests and convenience of a large portion of the citizens of Sauk county are intimately concerned in the establishment of a mail route from Helena (on the Wisconsin River) in Iowa county, by the way of Logansville, in Sauk county, to Newport, (on the Wisconsin River) at the Dells in Sauk county. For mail route from Helana to Newport.

Your memorialists represent that the citizens who reside in the district of country through which the contemplated mail route will pass, are now destitute of mail facilities, except as they are supplied in a very imperfect manner, and by distances from their settlements, creating daily inconveniences.

Your memorialists believe that the establishment of the proposed route will be a source of revenue to the department, and certainly will afford facilities of post office communication to a large number of citizens, who, by their industry and enterprise, are now fast settling and improving a valuable district of country. The whole distance will not exceed forty-five or fifty miles.

Approved, February 17, 1855.

Number 13.

A Memorial to the Congress of the United States for the establishment of a mail route from Oshkosh, in Winnebago county, to La Crosse, in La Crosse county.

To the Honorable, the Senate and House of Representatives of the United States.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

From Oshkosh to La Crosse.

That the interest and convenience of the citizens of the counties of Winnebago, Marquette, Adams and La Crosse will be promoted by the establishment of a mail route from the city of Oshkosh, in Winnebago county, to La Crosse, in La Crosse county, via Berlin, in Marquette county, Grand Marsh, Quincy and Mill-Haven, in Adams county.

Approved February 21, 1855.

Number 14.

Memorial to Congress for a mail route from Stevens' Point, Wisconsin, to Ontonagon, on Lake Superior.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the inhabitants of Northern Wisconsin, and also of Michigan bordering on Lake Superior, would be greatly benefitted by the establishment of a weekly mail route from Stevens' Point, in Portage county, Wisconsin, via Wausau to Ontonagon, on Lake Superior. It is beyond doubt the most direct and practicable route and passing through an interesting and rapidly settling portion of our country.

From Stevens' Point to Ontonagon.

Approved February 24, 1855.

Number 15.

A Memorial for increase of mail service from Richmond, McHenry county, Illinois, to Kenosha City, in Kenosha county, Wisconsin.

To the Honorable, the Senate and House of Representatives of the United States.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the citizens of a densely populated portion of country labor under serious inconveniences for the want of a semi weekly mail on mail route No. 13652, leading from Richmond, McHenry county, Illinois, via Wilmot, Liberty, to Kenosha city, in Kenosha county, Wisconsin.

From Richmond, Ill., to Kenosha city.

Your memorialists therefore respectfully ask your honorable body to grant, the mail service required, at the earliest period.

Approved February 28, 1855.

Number 16.

A Memorial to the Congress of the United States in relation to the establishing a mail route.

The People of the State of Wisconsin reprsented in Senate and Assembly respectfully represent:

From Apple River Station, Ill., to Platteville, Wis.

That it would materially benefit the rapidly increasing population of the counties of La Fayette and Grant, to have a daily mail route established from Apple River Station, on the central Illinois Rail Road in the county of Jo Daviess, and state of Illinois, by way of the villages of Shullsburgh, New Diggings and Benton, in La Fayette county, to Platteville, in Grant county, a distance of about twenty-five miles.

Your memorialists therefore urge upon your honorable body, the necessity of immediately establishing such mail route.

Approved, February 28, 1855.

Number 17.

Memorial for a mail route from Appleton in Outagamie county to Shawano Mills, in Shawano county.

To the Honorable the Senate and House of Representatives of the United States.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

From Appleton to Shawano Mills.

That the interest and convenience of a large number of the citizens of Outagamie and Shawano counties would be greatly promoted by the establishing of a weekly mail route from Appleton, in Outagamie county, to Shawano Mills, in Shawano county. Your memorialists therefore ask that the aforesaid mail route may be established at the earliest practicable period.

Approved March 5, 1855.

Number 18.

A Memorial to Congress for a mail route.

To the Honorable, the Senate and House of Representatives of the United States of America.

The Memorial of the Senate and Assembly of the State of Wisconsin respectfully represents:

That the interest and convenience of the northern portion of the state of Wisconsin, would be greatly promoted by the establishing of a weekly mail route from Shawano Mills, in Shawano county, to Ontonagon on Lake Superior, a distance of one hundred and thirty miles, and believe it to be the nearest and most practicable route to Lake Superior. From Shawano Mills to Ontonagon.

Your memorialists therefore ask that said mail route may be established at the earliest practicable period.

Approved March 5, 1855.

Number 19.

A Memorial to Congress for the establishment of a mail route from Muscoda in Grant county to Black River Falls in Jackson county.

To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled:

The Memorial of the Senate and Assembly of the State of Wisconsin respectfully represents:

That the interest and convenience of a large and rapidly settling portion of the north western country urgently require the establishment of a semi-weekly mail route from Muscoda, in Grant county, via Orion, in Richland county, to Black River Falls, in Jackson county. There now being a semi-weekly mail from Galena, Illinois, to Muscoda, the establishment of this, as a continuation of said route would furnish mail service to a portion of country now entirely destitute of this advantage, except at great inconvenience. From Muscoda to Black River Falls.

Your memorialists would therefore respectfully ask that said route may be established as speedily as possible.

Approved, March 5, 1855.

Number 20.

Memorial to the Post Master General for an increase of mail service on south portion of route No. 13752, from Albany, Green county, to Monroe, same county, Wisconsin.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

From Albany to Monroe.

That the interests and convenience of the citizens of Green county would be greatly increased by the establishment of a tri-weekly mail from Albany, Green county, to Monroe, same county, in place of present once a week mail.

Your memorialists therefore respectfully ask that the aforesaid increase of mail service may be granted at the earliest practicable period, on the above named portion of said mail route.

Approved March 10, 1855.

Number 21.

Memorial to the Postmaster General for an increase of mail service on route No. 13,785 from Baraboo to La Crosse.

To the Hon. the Postmaster General of the United States.

The Memorial of the Legislature of the State of Wisconsin, respectfully represents:

From Baraboo to La Crosse.

That the rapid increase of settlement and business upon the line of mail route No. 13,785, from Baraboo to La Crosse, in the state of Wisconsin, has been so great that the travel and business of the route has so rapidly increased as to cause to be established the entire lenght of the route a semi-weekly line of two-horse post coaches, which has been kept up and well sustained for the past year.

Your memorialists therefore pray an increase of service upon said route as soon as practicable, so that a twi-weekly instead of a weekly service may be had.

The governor of this state is requested to forward a copy of this memorial to the Hon. postmaster general, as soon as practicable.

Approved March 10, 1855.

Number 22.

Memorial to Congress for a Mail Route from Newport in Columbia County, to La Crosse, in La Crosse County.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the citizens of a large portion of country are at present in great want of mail service from Newport in Columbia county, to La Crosse, in La Crosse county, by way of Mauston, in Adams county, and Sparta in Monroe county. From Newport to La Crosse.

Your memorialists therefore respectfully ask your Honorable body to establish a tri-weekly mail route on the route specified, at the earliest practicable period.

Approved, March 12, 1855.

Number 23.

Memorial to Congress for a mail route from Newport in Columbia county, to Reedsburgh, in Sauk county.

To the Honorable the Senate and House of Representatives in Congress assembled:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the citizens of a densely [populated] portion of country labor under serious inconvenience for the want of a semi-weekly mail from Newport, in Columbia county to Reedsburgh, in Sauk county. From Newport to Reedsburg.

Your memorialists therefore respectfully ask your honorable body to grant the mail service required, at the earliest practicable period.

Approved March 12, 1855.

Number 24.

A Memorial to Congress, for increase of mail service from Madison to Newport, by way of Lodi and Baraboo.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

From Madison to Newport.

That the interests of a large and densely populated portion of country would be greatly enhanced by an increase of mail service on the route from Madison, in Dane county, to Newport, in Columbia, by way of Lodi and Baraboo.

And further, that a daily line of express stages is profitably maintained over the whole extent of this route, and that therefore, the increase asked for could be obtained at a small cost.

Your Memorialists would therefore respectfully ask your honorable body to establish a daily mail over the route indicated, at the earliest practicable period.

Approved, March 12, 1855.

Number 25.

A Memorial to Congress for a mail route from Newport, in Columbia county, to Grand Rapids, in Portage county.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

From Newport to Grand Rapids.

That the citizens of a large portion of country are at present in great want of mail service from Newport, in Columbia county, to Grand Rapids, in Portage county, by way of Quincy, in Adams county.

Your memorialists therefore respectfully ask your honorable body to establssh a tri-weekly mail on the route indicated at the earliest practicable period.

Approved March 12, 1855.

Number 26.

A Memorial to Congress for mail service from Newport, in Columbia county, to Stevens' Point, in Portage county.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the citizens of a large portion of country are at present in great want of mail service from Newport, in Columbia county, to Stevens' Point, in Portage county, by way of Dell Prairie. From Newport to Stevens' Pt.

Your memorialists respectfully ask your honorablebod to establish a tri-weekly mail on the route indicated, at the earliest practicable period.

Approved March 12, 1855.

Number 27.

A Memorial to Congress for mail service from Mineral Point, in Iowa county, to Newport, in Columbia county.

To the Honorable the Senate and House of Representatives of the United States of America:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the citizens of a large and densely populated portion of country are at present in great want of mail service from Mineral Point, in Iowa county, to Newport, in Columbia county, by way of Dodgeville, Arena, Prairie du Sac and Baraboo to Newport, in Columbia county. From Mineral Point to Newport.

Your memorialists therefore respectfully ask your honorable body to establish a tri-weekly mail on the route indicated, at the earliest practicable period.

Approved, March 12, 1855.

Number 28.

A Memorial to Congress for mail service from the city of Portage to Newport in Columbia County.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

From Portage to Newport.

That the interests and convenience of a large portion of the citizens of Columbia county would be greatly enhanced by the establishment of a daily mail route directly from the city of Portage to Newport, a distance of eighteen miles.

Your memorialists therefore ask that said mail route may be established at the earliest practicable period.

Your memorialists would further respectfully represent that a daily express line of stages is now maintained by private enterprize on the route indicated, and the mails could doubtless be carried at a small cost.

Apprved, March 12, 1855.

Number 29.

A Memorial to Congress for a mail route from Green Bay, in Brown County, to Wausau, in Marathon County.

To the Honorable, the Senate and House of Representatives of the United States of America.

The Memorial of the Senate and Assembly of the State of Wisconsin respectfully represnts:

From Green Bay to Wausau

That the interest and convenience of a large portion of the citizens of Brown county, Shawano county and Marathon county, would be greatly promoted by the establishing of a weekly mail route from Green Bay, in Brown county, by way of Shawano Mills, in Shawano county, to Wausau, in Marathon county, a distance of seventy-five miles.

Your memorialists therefore ask that said mail route may be established at the earliest practicable period.

Approved March 12, 1855.

Number 30.

A Memorial to the Post Master General of the United States for an increase of mail service from Platteville to Muscoda, Grant county.

The Memorial of the Senate and Assembly of the State of Wisconsin respectfully represents:

That the interest and convenience of a large portion of the citizens of Grant and Richland counties of this State, would be greatly promoted by the increase of mail services from Platteville Grant county to Muscoda; that in consequence of the rapid increase of population, your memorialists ask that the said service may be increased to a tri-weekly mail. From Platteville to Muscoda.

Approved, March 12, 1855.

Number 31.

A Memorial to the Postmaster General for a mail service from Stoughton, in Dane County, to Union, in Rock County.

To the Honorable, the Senate and House of Representatives in Congress assembled.

The Memorial of the Legislature of the State of Wisconin respectfully represents:

That the interests and necessity of numerous citizens of the towns of Dunkirk and Rutland, in the county of Dane, and of the town of Porter, in the county of Rock, are deeply interested in the establishment of a tri-weekly mail route from Stoughton, in the county of Dane, by way of Dunkirk, in the same county, and Cooksville, in the county of Rock, to Union, in the county of Rock. From Stoughton to Union.

Your memorialists would represent that the citizens along the proposed route are subjected to much delay in communication by the present uncertain mail facilities.

Your memorialists therefore request your honorable body to establish the above mail route as speedy as possible, with tri-weekly mail service thereon.

Approved March 21, 1855.

Number 32.

Memorial to Congress for a mail route from Green Bay in Brown county to Eldred's Mills, in Howard in Oconto county.

The People of the state of Wisconsin respectfully represent as follows:

From Green Bay to Eldreds Mills.

That the interest and convenience of a large portion of the citizens of the counties of Brown and Oconto are laboring under great inconvenience for the want of a mail route from Green Bay, in Brown county, to Eldreds Mills in Howard in the county of Oconto, and therefore request that Congress will establish said mail route at the earliest practicable period.

Approved, March 23, 1855.

Number 33.

Memorial to Congress for the establishment of a mail route from Hales Borners Post office in the town of Greenfield in the county of Milwaukee to the Yorkville Post Office in the town of Yorkville in the county of Racine.

The Legislature of the State of isconsin would respectfully represent:

From Hale's Corners to Yorkville.

That the convenience and necessity of the inhabitants residing on, and in the vicinity of the public road connecting Hale's Corners, in the county of Milwaukee, with Yorkville, in the county of Racine, demand the establishment of a post route between said post offices, and would therefore petition for the speedy establishment of a mail route between the said points, and the erection of intermediate post offices.

Approved, March 23, 1855.

Number 34.

A Memorial to the Postmaster General for increase of mail service on mail route No. 13,773 and route No. 13,777.

To the Honorable the postmaster general of the United States.

The Memorial of the Legislature of Wisconsin respectfully represents:

That the interest and convenience of a large number of inhabitants of the counties of Bad Ax, La Crosse and Jackson, in the State of Wisconsin, would be greatly enhanced by the establishment of a tri-weekly mail route No. 13,773 and 13,777 between Prairie du Chien and Black River Falls, via Bad Ax, Viroqua, Springville, Coon Prairie, La Crosse, Onalaska, Lewis' Mills and Douglass' Mills. For increase of mail service on routes Nos. 13773 & 13777.

Your memorialists are satisfied that from the rapid settlement of the country through which said mail routes pass, their settlement by people from all portions of our common country, as well as foreign countries, the unparalelled increase of towns and villages, and the necessary augmentation of business and correspondence require a tri-weekly mail service the present weekly mail service being entirely inadequate to the wants of the people and the business of the country, and that during the past year the population and business of the counties above mentioned has nearly or quite doubled.

Your memorialists therefore respectfully ask that the aforesaid increase of service on said routes may be established at the earliest possible day.

The governor of Wisconsin is requested to forward a copy of this memorial to each of the honorable members of congress from this state, as soon as practicable.

Approved March 29, 1855.

Number 35.

A Memorial to Congress for a mail route therein named.

The memorial of the Legislature of the State of Wisconsin respectfully represents:

From Portage City to Cascade.

That the distance from Portage City to Cascade is about thirty miles and that a large population upon said route are at present in great need of mail facilities.

Your memorialists therefore respectfully ask your honorable body to establish a weekly mail route from Portage City to Cascade, via Briggs' Mills and Davis' Tavern in Columbia county, they will ever pray, &c.

Approved, March 29, 1855.

Number 36.

Memorial to Congress for a Mail Route.

To the Honorable the Senate and House of Representatives of the United States of America:

The Memorial of the Senate and Assembly of the State of Wisconsin, respectfully represents:

For daily mail from Polk to Sheboygan.

That the interests and convenience of a large portion of the citizens of Washington and Sheboygan counties, would be greatly promoted by the establishing of a daily mail route from Polk, in Washington county, via, West Bend, Barton, Scott, Cascade and Sheboygan Falls, to Sheboygan, in Sheboygan county, a distance of about forty-seven miles.

Your memorialists therefore ask that said mail route may be established at your earliest convenience.

Approved, March 31, 1855.

STATE OF WISCONSIN, } ss.
SECRETARY'S OFFICE.

I, ALEXANDER T. GRAY, Secretary of State of said State, do hereby certify, that the laws published in this book have been compared with the original enrolled acts deposited in this office, and that they appear to be correctly printed.

In Testimony, Whereof, I have hereunto set my hand, and affixed the Great Seal of said State, at the Capitol in Madison, this 15th day of May, 1855.

[L. S.]

ALEXANDER T. GRAY,
Secretary of State.

APPROPRIATIONS.

No.	To whom, and for what appropriated.	Amount
1	James T. Lewis, acting Governor and member of the Board of equalization,	263 42
2	Legal representatives of Robert Jenkinson, services and expenses of Robert Jenkinson	200 00
3	George Williams, services, expenses and disbursements,	139 09
4	Perry Lee, Travel and Services,	20 00
5	Isaac S. Sherwood, Iron furnished for South Wing of State Prison,	8,295 20
6	S. M. Booth, advertising,	8 00
7	Hiram C. Dodge, articles furnished State,	4 54
8	V. W. Roth, Clocks and stationery,	291 31
9	E. Schumaker, Lock for safe of State Treasury,	10 00
10	Gustavus Brunet, conveying state prisoner	25 00
11	M. L. Sayles, Sheriff of Dodge county,	19 00
12	Beriah Brown and David Atwood, printing,	9,490 87
13	Thomas McHugh, organizing Assembly of 1855,	25 00
14	Tibbitts & Gordon, account rendered,	1,069 69
15	John F. Burchard, furniture, freight and charges,	1,286 40
16	John Wright, merchandize,	137 09
17	James Halpin, services and expenditures,	131 71
18	Billings & Carman, blacksmithing,	29 25
19	Howell & Cotton, materials for state prison,	149 50
20	Campbell & Brush, and Livsey & Carroll, fire proof building for U. S. Weights and Measures,	423 50
21	Mathias Martin, services,	102 00
22	Mathias Martin 2d, services,	47 00
23	Bradford Brothers, account rendered,	412 65
24	Charles B. Ellis, sheriff Waukesha county,	82 50
25	A. Whittemore & Co., books and materials furnished State departments,	846 72
26	Cyrus K. Lord, township plats for Commissioners to select school lands,	155 50

No.	To whom, and for what appropriated.	Amount.
27	Austin Kellogg, sheriff of Jefferson county,	28 60
28	Darwin Clark, account rendered,	67 75
29	William Slightam, ice furnished state officers,	61 60
30	D. S. Durrie, merchandize,	60 50
31	Memhard & Williams, papering, painting and materials,	378 75
32	Patrick Carmody, graveling walks,	154 00
33	Livsey & Carroll, building cisterns, ice house, wood-shed, &c.	327 46
34	Donaldson & Tredway, merchandize,	130 00
35	John Hollihan, services,	62 00
36	Daniel Arldt, work about the capitol,	24 00
37	W. A. Wheeler & Co., stationery,	150 51
38	O. C. Buck & Co., desks, repairs and materials,	273 50
49	E. J. Patterson, sample stationery,	156 08
40	John N. Jones, postage of legislature,	684 54
41	William Pyncheon, hauling and putting up ice,	64 00
42	Silas Chapman, Materials furnished for Secretary of State,	3 62
43	C. Piquette, furniture,	15 25
44	J. M. B. Davidson, safe and charges,	1,135 00
45	Campbell, Brush & Co., work and material in and about the Capitol,	1,166 25
46	J. A. Hall & Co., sample stationery,	69 44
47	S. P. Pierce, Postmaster of Senate,	120 00
47	P. J. Hannah, " " Assembly,	120 00
48	John Taylor, state prison commissioner,	2,618 42
49	Silas Chapman, merchandize for school superintendent,	36 38
50	D. Munson, sheriff of Sauk county,	30 00
51	William Reinhard, work on south wing of state prison,	1,834 66
52	A. S. Wood, stone steps for capitol,	150 00
53	Seth Van Bergen, agent for the state,	183 05
54	W. S. Main, sheriff of Dane county,	498 00
55	D. S. Durrie, merchandize,	145 36
56	F. J. Blair, merchandize,	180 50
57	D K Tenney, services,	40 00
58	Lion Silverman, sheriff of Ozaukee county,	267 60
59	Commissioner of State Prison, paying indebtedness of prison, for 1854,	12,777 49
60	J. K. Smith, lumber for state prison,	629 50
61	T. L. Smith, 2d, assistant sergeant-at-arms of senate,	100 00
61	Thomas Shawney, door-keeper of senate,	100 00
61	Charles Brown, assistant door-keeper of senate,	100 00
61	Michael Ames, fireman of senate,	100 00
61	Robert Smart, assistant fireman of senate,	100 00
61	Nicholas Ingle, second assistant fireman of senate,	100 00

No.	To whom, and for what appropriated.	Amount.
61	A. Wilcox, door-keeper of assembly,	100 00
61	Abner Rouse, fireman of assembly,	100 00
61	Jonathan Bond, assistant fireman of assembly,	100 00
61	E. C. Spink, assistant door-keeper of assembly,	50 00
61	Edward H. Cosgrove, third messenger of assembly,	60 00
62	Weed & Eberhard, stationery for state officers,	2,177 63
63	Austin Kellogg, agent for the state,	188 25
64	Matthias Martin, night watch, (treasurer's office,)	365 00
65	Andrew Proudfit, state prison contract,	43,908 85
"	" " "	464 00
66	Thomas & Doggett, packing boxes,	8 50
67	Seaman & Wing, mahogony book-case for Gov.'s office,	75 00
68	S. R. Fox, lightning rods,	25 88
69	V. W. Roth, stationery for school department,	10 00
70	D. Munson, sheriff of Sauk county,	175 00
71	S. S. Conover, keeping state prisoners,	109 24
72	Du Ray Hunt, services in secretary's office,	175 00
73	William A. Barstow, moneys advanced for the state,	1,899 17
74	E. B. Bowen, com. to investigate affairs of state prison,	30 00
	C. P. Barns, do do	30 00
	Charles Clement, do do	30 00
	L. H. Cary, do do	30 00
	G. W. Parker, do do	30 00
75	Wm. H. Howard, sheriff of Rock county,	120 00
76	John N. Jones, postage of Legislature,	542 49
77	do do	405 21
78	David Holt, repairing clock, and stationery,	29 25
79	John O. Henning, register of land office at Willow River	27 25
80	Wm. R. Smith, documentary history of Wisconsin,	240 15
81	Simeon Mills, plats from land offices,	15 00
82	Simeon King, revised statutes,	777 00
83	Henry Wright, services in secretary's office,	45 00
84	V. W. Roth, pens for supreme court,	57 00
85	C. L. Sholes, revised statutes,	80 00
86	Alex. McBride, wood,	768 25
87	Tibbits & Gordon, camphene and merchandize,	540 15
88	S. S. Conover, services bringing Booth & Ryecraft before supreme court,	82 00
89	John A. Brown, judgment against state,	222 40
	L. F. Kellogg, clerk of supreme court,	47 50
	D. S. Durrie, merchandize,	31 46
	V. W. Roth, gold pens,	12 00
	P. L. Mossin, engravings for state superintendent,	40 00
	Samuel P. Pierce, post master of the senate,	129 00

No.	To whom, and for what appropriated.	Amount.
136	Daniel Arldt, labor in and about capitol,	122 00
"	C. Wheeler, do do	122 00
"	John Hollihan, do do	122 00
"	Thos. McGlynn, Sen'r, do do	122 00
"	Peter Jones, do do	122 00
"	Patrick Thrag, do do	122 00
"	Henry Dwas, do do	122 00
"	Matthias Martin, do do	122 00
"	Matthias Martin, 2d, do do	122 00
"	Daniel Arlt, watchman in bank comptroller's office,	82 00
137	Rev. Miller, services as chaplain,	50 00
"	" Gardiner, do do	50 00
"	" Nolan, do do	50 00
"	" Etchman, do do	50 00
138	John N. Ackerman, iron for state prison,	1,054 04
139	Beriah Brown, incidental printing,	3,252 00
140	Edward H. Cosgrove, as't sergeant-at-arms of assembly,	47 50
"	A. Wilcox, door-keeper, of assembly,	47 50
"	E. C. Spink, assistant door-keeper of assembly,	47 50
"	Abram Rouse, fireman of assembly,	47 50
"	Jonathan Bond, assistant fireman of assembly,	47 50
"	T. L. Smith, second asistant sergeant-at-arms of senate,	107 50
140	Charles Brown, door keeper of Senate.	107 50
	Thomas Shaughnessy " "	107 50
	Michael Ames, services,	107 50
	Nicholas Ingle, "	107 50
	Robert Smart, "	107 50
141	M. H. Peak, witness fees, (committee to investigate sales of school and university lands.	45 00

STATE OF WISCONSIN, }
SECRETARY'S OFFICE, } ss.

I, ALEXANDER T. GRAY, Secretary of State, of the State of Wisconsin, do hereby certify that I have compared the foregoing list with the original acts of appropriations deposited in this office, and that the same is a complete list of all of the appropriations made at the last session of the Legislature, except such as are printed at length in this volume.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in Madison, this fifteenth day of May, eighteen hundred and fifty-five.

[L.S.]

ALEXANDER T. GRAY, *Secretary of State.*

No.	To whom, and for what appropriated.	Amount.
	C. W. Cook, enrolling clerk of senate,	150 00
	Washington Miles, transcribing clerk of senate,	100 00
	William Blake, sergeant-at-arms of assembly,	83 00
	G. W. Pugh, first asst. do	83 00
	E. H. Cosgrove, second do	40 00
	W. W. Prater, messenger of assembly,	83 00
	H. W. Cowls, do	83 00
	W. H. Gleason, sergeant-at arms of senate,	83 00
	Chas. T. Wakeley, first asst. serg't-at-arms of senate,	83 00
	N. K. Bowen, messenger of senate,	43 00
	Marshall Ten Eyck, do	43 00
114	S. C. West, witness fees, impeachment trial,	22 20
115	John Wright, gum arabic,	19 28
116	S. S. Conover, guarding, boarding and conveying state prisoners,	68 87
117	August Kruer, printing in German language,	129 05
118	L. Cannon, drafting board for sup't of education,	15 00
119	Beriah Brown, publishing Documentary Hist. of Wis.,	13,000 00
120	A. C. Ingham, Transactions of State Agricultural Soc'y,	1,125 00
121	Commissioner of State Prison, current expenses of state prison for 1855,	13,000 00
122	John N. Jones, postage of legislature,	463 51
123	Eliab Perkins, stoves furnished state prison,	179 70
124	J. S. Sherwood, iron and materials for south wing of state prison,	410 46
125	Simeon King, revised statutes,	47 50
126	J. F. Henge, clerk of senate committee to investigate sales of school and university lands,	34 50
27	W. H. Gleason, subpœnaing witnesses to attend upon senate committee,	40 00
28	E. Stangeland, printing in Norwegian language,	41 40
29	R. P. Eighme, witness fees, before the committee to investigate the sales of school and university lands	35 00
30	J. W. Andrews, " " " " "	35 00
31	Schœfler & Wendt, furnishing governor's message for 1855, in German,	61 80
1	Schœfler & Wendt, printing paper furnished for legislature,	320 76
2	D. H. Wright, services and lumber,	262 23
3	Lester & McGuire, services rendered by order of E. Root, late superintendent public instruction,	13 75
4	Atwood & Rublee and Carpenter & Carpenter, reports of the lunatic asylum committee, &c.,	249 00
5	Humphrey Hughes, witness' fees, (imp. trial,)	14 52

INDEX.

A.

Adams County,

Provide for division of. 28

Amendments.

Revised Statutes, chap. 126 amended. 25
" " " 88 " 33
" " " 89 " 35
Session Laws 1850, chap. 48 " 36
Revised Statutes, " 120 " 38
" " " 95 " 66
" " " 41 " 75
Session Laws 1852 " 381 " 75
" " 1854 " 36 " 77
Revised Statutes, " 53 " 78
Session Laws 1855 " 16 " 79
Revised Statutes " 24 " 80
" " " 97 " 88
" " " 126 " 89
Session Laws 1854, " 40 " 92
73 " 92
1852, " 477 " 95
1851, " 287 " 95
Revised Statutes, " 84 " 99
" 28 " 100

Appeals.

From Justice to Circuit Court. 20

Appropriations.

To James Halpin, 21
Deaf and Dumb Asylum, 26
James Halpin, 34
Town of Sullivan, 37
For Postage &c., 40
To Blind Asylum, 42

State Superintendent, 43
Bank Comptroller, 65
" " 66
State Prison, 70
State Historical Society, 76
To Governor, 79
John Taylor, 89
University, 96
Post Master at Madison, 99
General list. 129

Attorneys at Law.

In relation to admission to practice. 49

B.

Banks.

To give effect more fully to Banking Law. 46
In regard to bonds deposited, 47

Bank Comptroller.

To provide for contingent expenses of, 65
Appropriation to, 66

C.

Census.

Act to provide for 71
Duties and fees of officers taking census, 72

Choses in action.

Act in regard to, 73

Circuit Courts.

Change time of holding in Marathon and Portage counties, 9
" " " " Outagamie county. 10
" " " " Jefferson " 13
" " " " Waupacca " 17
" " " " Brown " 21
" " " " La Crosse " 27
" " " " Crawford " 28
" " " " Bad Ax " 28
To try and determine causes from county courts, 19
Justice to make return to, 19
Appeals from Justices to, 20
Clerks duty in filing transcript, 31
Additional term in Grant county, 32

Special terms in 5th circuit, 32
Fourth circuit divided, 39
Tenth " established, 39
Additional term in Waukesha county, 53
In regard to state tax on suits, 54
In regard to entering final judgment in certain cases, 55
To fix time in Winnebago county, 64
" " " " Fond du Lac " 64
" " " " Manitowoc " 64
Law term in Sheboygan " 64
To fix time in Brown " 74
To fix time in Outagamie " 74
To fix time in Columbia " 87

Costs.

Collection of, in criminal cases, 20

Counties.

Providing for division of Adams county, 28
Winnebago county, 50
Providing for setting off towns from Portage county, 57
Waupacca county, 57

County Courts.

Civil jurisdiction restored in La Crosse county, 15
Equity and criminal jurisdiction not restored, 15
How jurors drawn, 16
Fees of judge, 16
Power to issue final process, 16
Causes pending transferred to circuit court, 18
In regard to final judgment in certain cases, 55
In relation to, in Milwaukee county, 61

Courts of Record.

In relation to final judgment in certain cases, 55

E.

Elections.

Of Judge 10th Circuit, 39
" " 4th " 40
In certain towns as to which county they shall be attached, 57
In regard to judicial elections, 77

Emigrant Agencies.

Repeal of act establishing, 8

Escheated Lands.

Providing for sale of, 91

F.

Fox River.

In relation to Improvement, 62

Incorporations.

To repeal certain provisions in charters of Insurance and other Companies, 69

J.

Joint Resolutions.

In relation to Patents, 101
Naturalization law, 101
Revised Statutes, 102
School money, 102
Officers, &c., War of 1812, 103
State Prison, 103
Transmission of Statutes, 104
Correcting an act, 104
School lands, 104
Regents of University, 105
Documentary History, 105
Final adjournment, 105

Judicial Circuits.

Fourth Circuit divided, 39
election of judge, 40
Tenth Circuit established, 39
boundaries defined, 39
election of judge, 39
canvass of votes, 39
term of office, 40
Columbia County attached to Ninth Circuit, 87

Jurisdiction.

Jurisdiction of State ceded to United States of land in Milwaukee, 7
Fond du Lac, 10
Port Ulao, 11
Jurisdiction in civil cases returned to County Court of La Crosse County, 15
of Circuit Courts, in certain cases, 19
of State ceded land in Milwaukee, 77

Justices of the Peace.

Collection of costs in criminal cases, 29
Regulate filing transcripts, 30

L.

Laborers.

Act for protection of on Rail Roads, 87

License Money.

In regard to use of, 90

Lumbermen.

Act for protection of, 59

Lunatic Asylum.

Act providing for repeal, 58

M.

Married Women.

Relative to rights of, 48

Memorials.

For mail routes from Fond du Lac to La Crosse, 107
Fox Lake to Montello, 108
Oshkosh to Stevens' Point, 108
Wausau to Jenny Bull, 109
Wausau to Upper Mill, 109
Theresa to Juneau, 109
Springville to La Crosse, 110
Portage City to La Crosse, 112
Watertown to Berlin, 113
Helena to Newport, 113
Oshkosh to La Crosse, 114
Stevens' Point to Otonagon, 115
Richmond, Ill. to Kenosha, 115
Apple River, Ill. to Platteville, 116
Appleton to Shawano Mills, 116
Shawano Mills to Ontonagon, 117
Muscoda to Black River Falls, 117
Newport to La Crosse, 109
" to Reedsburgh, 119
" to Grand Rapids, 121
" to Stevens' Point, 121
" to Portage, 122
Green Bay to Wausau, 122
Stoughton to Union, 123
Green Bay to Eldred's Mills, 124
Hale's Corners to Yorkville, 124
Portage to Cascade, 126
Polk to Sheboygan, 126

For increase of mail service between Portage City and Stevens' Point, 109
Between Stevens' Point and Wausau, 109
Janesville and Mineral Point, 110
Janesville and Madison, 111
Mineral Point, Wis. and Warren, Ill., 111
Albany and Monroe, 118
Baraboo and La Crosse, 118
Newport and Madison, 120
Mineral Point and Newport, 121
Platteville and Muscoda, 123
On routes Nos. 13,773 and 13,777, 125

N.

Names.

Change name of Joseph Kingston Bergestraser, 8
John Allcock, 13
Amna Morley, 14
Mary Key, 22
Susan E. Haskins, 26
George Satterlee, 27
Franz Otto Rausmann, 29
John Adam Bitsch, 30
Henry Louis Bromm, 32
Elizabeth Brooks, 37
Virginia Brooks, 37
Cordelia Ann Kirby, 41
Mary Elizabeth Kirby, 41
Charles Adams 51
Albert Sickler, 52
Abertine Sickler, 52
Albert Miller, 60
Harriet Miller, 60
Francis Pescheck, 62

O.

Oconto County.

Act organizing for Judicial purposes repealed, 14
Re-attached, " " to Brown County, 14

P.

Patents.

Act of 1850 in regard to, amended, 36

Pre-emption.

Act for school land pre-emptions, 23
University, " 23
Swamp " 83

Promissory Notes.

In regard to 69

Public Documents.

Act in regard to 75
" " 97

R.

Rail Road Crossings.

Act to regulate, 80

Revised Statutes.

Chapter 126 amended, 25
88 do 33
89 do 35
120 do 38
Supplement to chapter 95, 66
Chapter 41 amended 75
53 " 78
Section 8, chapter 9, repealed, 79
24 amended 80
97 " 88
126 " 89
84 " 99
28 " 100

S.

School Fund Income.

Appropriation to State Superintendent, 43

School Lands.

Restricting sales to actual settlers 23
quantity to be sold 23
When forfeited how to be advertised, 24
Where to be re-sold, 24
May be redeemed, 25
Relief of purchasers, 45
" " 93

Session Laws.

Act supplementary to chap. 381 of 1852, 75
Amendment, " 36 " 1854, 77
" 16 " 1855, 79
" 40 " 1854, 92

State Tax.

Manner of payment on suits at law, 54
To provide for levying, 69
Duty of clerk board supervisors, 92
secretary of State, 93

State Prison.

Act in regard to, 95

Stationery.

Provide for purchasing for Legislature, 21
Departments, 34

Swamp Lands.

Act in regard to, 83

T.

Taxes.

To provide for levying school tax in certain cases, 12
In regard to state tax on suits in Circuit Court, 54
To provide for levying state tax, 69

Tax Titles.

Act quieting tax titles amended, 17

Transcripts.

Regulate filing from Justices judgments, 30
Duties of clerk of circuit court, 31
Same as judgment in circuit court, 31

U.

University Lands.

Sale to be made to settlers only, 23
Restricting quantity to be sold, 23
Duties of commissioners, 24
How advertised when forfeited, 24
For relief of purchasers, 45

W.

Waukesha County.

Additional term Circuit Court, 52

Webster's Dictionary.

To be purchased for school districts, 43

GENERAL ACTS

PASSED BY THE

LEGISLATURE OF WISCONSIN,

IN THE YEAR

EIGHTEEN HUNDRED AND FIFTY-SIX;

TOGETHER WITH

MEMORIALS AND RESOLUTIONS.

PUBLISHED BY AUTHORITY.

MADISON:
CALKINS & PROUDFIT, PRINTERS.

1856.

LIST OF OFFICERS.

"SECTION 1. * * * There shall be prefixed to each volume of laws hereafter published the names and residence of the several State Officers, the Senators, and Members of the Assembly, and the Presiding Officers, and Clerks of both branches of the Legislature, at the time of the passage of such laws."—*General Laws* 1854, *Chapter* 94.

NAMES AND RESIDENCE

OF THE STATE OFFICERS, SENATORS, MEMBERS OF THE ASSEMBLY, PRESIDING OFFICERS, AND CLERKS OF BOTH BRANCHES OF THE LEGISLATURE, IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

NAME.	OFFICE.	RESIDENCE.	
		Nearest Post Office.	County.
Wm. A. Barstow	Governor *	Waukesha	Waukesha
Arthur McArthur	do *	Milwaukee	Milwaukee
Coles Bashford	do *	Oshkosh	Winnebago
Edward M. Hunter	Private Sec'y to Governor †	Madison	Dane
B. F. Hopkins	do †	Madison	Dane
Arthur McArthur	Lieutenant Governor	Milwaukee	Milwaukee
David W. Jones	Secretary of State	Cottage Inn	La Fayette
John W. Hunt	Assistant do	Madison	Dane
Charles Keuhn	State Treasurer	Two Rivers	Manitowoc
Carl Habish	Assistant do	Madison	Dane
William R. Smith	Attorney General	Mineral Point	Iowa
A. C. Barry	State Superintendent	Rochester	Racine
C. A. Orvis	Assistant do	Racine	Racine
William M. Dennis	Bank Comptroller	Watertown	Dodge
A. Menges	Deputy do	Madison	Dane
Edward McCarry	State Prison Commissioner	Waupun	Dodge
August Kruer	State Librarian ‡	Madison	Dane
Horace Rublee	do ‡	Madison	Dane

* William A. Barstow resigned the office of Governor, on the twenty-first day of March, when its duties were assumed by Arthur McArthur, Lieut. Governor, who acted until the twenty-fifth day of March, on which day Coles Bashford entered upon the duties of the office.

† E. M. Hunter, Private Secretary of Governors Barstow and McArthur; B. F. Hopkins, Private Secretary of Governor Bashford.

‡ August Kruer, Librarian until March 31st, when Horace Rublee was appointed.

NAME.	OFFICE.	RESIDENCE.	
		Nearest Post Office.	County.
J. Q. Adams	Senator	Falls River	Columbia
J. Allen Barber	do	Lancaster	Grant
S. W. Barnes	do	Waterloo	Jefferson
O. Clement	do	Racine	Racine
Amasa Cobb	do	Mineral Point	Iowa
George E. Dexter	do	Monroe	Green
Charles Dunn	do	Cottage Inn	La Fayette
J. Fitzgerald	do	Oshkosh	Winnebago
E. Gernon	do	Genesee	Waukesha
W. J. Gibson	do	Black River Falls	Jackson
H. H. Giles	do	Stoughton	Dane
B. G. Gill	do	Grafton	Ozaukee
Jackson Hadley	do	Milwaukee	Milwaukee
L. P. Harvey	do	Shopier	Rock
E. B. Kelsey	do	Montello	Marquette
J. O. Mills	do	Elkhorn	Walworth
E. O'Neil	do	Milwaukee	Milwaukee
Edward Pier	do	Fond du Lac	Fond du Lac
S. L. Rose	do	Beaver Dam	Dodge
C. L. Sholes	do	Kenosha	Kenosha
P. H. Smith	do	Appleton	Outagamie
James Sutherland	do	Janesville	Rock
David Taylor	do	Sheboygan	Sheboygan
B. S. Weil	do	Schleisingerville	Washington
D. Worthington	do	Summit	Waukesha
R. Aiken	Member of Assembly	Richland	Richland
L. Alden	do	Janesville	Rock
J. Anunson	do	Winchester	Winnebago
B. F. Barney	do	Williamstown	Dodge
Charles Beger	do	Port Washington	Ozaukee
A. A. Bird	do	Madison	Dane
Louis Bostedo	do	Weyauwega	Waupacca
R. O. Brazelton	do	Scott	Sheboygan
A. Briggs	do	Bad Ax	Bad Ax
I. Brown	do	Fond du Lac	Fond du Lac
J. T. Brown	do	Clifton	Grant
O. Burchard	do	Beaver Dam	Dodge
H. Butterfield	do	Waupun	Dodge
D. D. Cameron	do	La Crosse	La Crosse
H. Catlin	do	Cassville	Grant
W. D. Chapin	do	Bloomfield	Walworth
William Chappell	do	Watertown	Jefferson
P. G. Cheves	do	Norway	Racine
John Childs	do	Lima	Rock
W. Chipman	do	Warren	Waushara
W. M. Colladay	do	Dunn	Dane
L. Connor	do	Emmet	Dodge
E. Cram	do	Racine	Racine
J. Cramond	do	Manchester	Calumet
H. Crawford	do	Wauwatosa	Milwaukee
M. M. Davis	do	Portage City	Columbia
John Day	do	Green Bay	Brown
H. O. Drake	do	Milford	Jefferson
J. G. Ehinger	do	Clyman	Dodge

NAME.	OFFICE.	RESIDENCE.	
		Nearest Post Office.	County.
J. M. Evans	Member of Assembly	Union	Rock
T. Falvey	do	Racine	Racine
A. W. Farr	do	Geneva	Walworth
D. Fletcher	do	Hustisford	Dodge
M. Flood	do	Brooklyn	Green
A. D. Gray	do	Hudson	St. Croix
H. H. Gray	do	Darlington	La Fayette
A. Greulich	do	Milwaukee	Milwaukee
G. Hahn	do	Milwaukee	Milwaukee
W. A. Hawkins	do	Milwaukee	Milwaukee
C. S. Hawley	do	Waukesha	Waukesha
G. H. Hayes	do	Richfield	Washington
C. R. Head	do	Albion	Dane
O. C. Howe	do	Lowville	Columbia
A. A. Huntington	do	York	Dane
John James	do	Eagle	Waukesha
H. Johnson	do	Somers	Kenosha
P. Johnson	do	Ashford	Fond du Lac
E. Knowlton	do	Highland	Iowa
J. H. Knowlton	do	Shullsburgh	La Fayette
J. Lauderdale	do	Lagrange	Walworth
P. Lavis	do	Granville	Milwaukee
A. McCormick	do	Milwaukee	Milwaukee
J. T. Mills	do	Lancaster	Grant
J. Mitchell	do	Milwaukee	Milwaukee
D. L. Morrison	do	Koshkonong	Jefferson
M. Murphy	do	Benton	La Fayette
H. J. Murray	do	Turtle	Rock
F. Newell	do	Paris	Kenosha
J. Noon	do	Merton	Waukesha
D. K. Noyes	do	Baraboo	Sauk
J. T. Palmer	do	Waterford	Racine
G. W. Parker	do	Metomen	Fond du Lac
J. F. Potter	do	East Troy	Walworth
D. Reed	do	Sullivan	Jefferson
J. Sell	do	Addison	Washington
B. F. Seymour	do	La Fayette	Walworth
R. Smith	do	Mineral Point	Iowa
Joshua Stark	do	Milwaukee	Milwaukee
A. Taylor	do	Hazel Green	Grant
H. S. Thomas	do	Moundville	Marquette
S. Thomas	do	Darien	Walworth
G. P. Thompson	do	Cross Plains	Dane
John Tobin	do	Granville	Milwaukee
S. B. Townsend	do	Nepeuskin	Winnebago
William Vogenitz	do	Cedarburgh	Ozaukee
J. Wagner	do	Marshfield	Fond du Lac
O. H. Walker	do	Manitowoc	Manitowoc
J. Weaver	do	Lisbon	Waukesha
William Wipperman	do	Mosel	Sheboygan
J. Wood	do	Grand Rapids	Portage
W. W. Woodman	do	Farmington	Jefferson
Wm. Hull, Speaker	do	Potosi	Grant

PRESIDING OFFICERS AND CLERKS.

NAME.	OFFICE.	RESIDENCE.	
		Nearest Post Office.	County.
Arthur McArthur.....	Lt. Gov. & Pres. of Senate.	Milwaukee.....	Milwaukee....
William Hull.....	Speaker of the Assembly.	Potosi.....	Grant.....
Byron Payne.....	Chief Clerk of Senate....	Milwaukee.....	Milwaukee.....
L. C. McKenney.....	Assistant do.....	.....	.....
James Armstrong.....	Chief Clerk of Assembly.	Janesville	Rock.....
Wm. Pitt Dewey.....	Assistant do.....	Milwaukee,.....	Milwaukee....

GENERAL LAWS

OF THE

STATE OF WISCONSIN,

TOGETHER WITH THE

MEMORIALS AND RESOLUTIONS.

CHAPTER 1.

Published January 25.

An Act to amend Chapter Eighty-five of the General Laws of 1855, entitled "An Act for attaching Columbia County to the Ninth Judicial Circuit."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter Eighty-five of the general laws of Wisconsin, for eighteen hundred and fifty-five, is hereby so amended as to take effect from and after the passage of this act, and all writs and process issued out of the office of the clerk of the circuit court of said county of Columbia, since the first day of April, 1855, whether attested in the name of Alexander L. Collins, Charles H. Larabee, or Edward V. Whiton, shall be considered as legally attested. And all writs, summons, process, indictments, recognizances, appeals, and other proceedings, made returnable to the term or terms of said circuit court, as now fixed by law, shall be returnable to the second Monday of February, A. D. 1856; and all adjournments, appearances, continuances, motions and notices of any proceedings of said court, made or taken to any term of a date subsequent to the time when this act shall take effect, shall be held to be made and taken for the second Monday of February A. D., 1857.

Amendment to act attaching Columbia county to ninth judicial circuit.

SEC. 2. This act shall be published in all newspapers published in Columbia county, immediately after its passage.

To publish.

SEC. 3. This act shall take effect from and after its passage.

Approved January 23, 1856.

CHAPTER 2.

Published January 26.

An Act to defray the Postage Expenses of the Senate and Assembly.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation to pay postage.

SECTION 1. There is hereby appropriated, to be paid to the post master of Madison, of any moneys in the treasury, not otherwise appropriated, the sum of fifteen hundred dollars, to defray the postage expenses of the senate and assembly at the present session, the accounts for such postage to be verified by the affidavit of said postmaster, and audited by the secretary of state.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 23, 1856.

CHAPTER 3.

Published February 12.

An Act to amend section seventy-five of chapter ten, of the Revised Statutes of this State.

The people of the State of Wisconsin, represented in senate and Assembly, do enact as follows:

Amended so as to appoint court commissioners.

SECTION 1. The circuit judges in each of the judicial circuits of this state, may appoint in each of the organized counties in their respective circuits, two court commisioners, and each court commissioner so appointed, shall hold

his office for two years from the time of his appointment, unless removed by such judge, and shall have the same powers, and discharge the same duties in all respects, as are now conferred and imposed on court commissioners, by the laws of this state.

SEC. 2. So much of section seventy-five, of chapter ten, of the revised statutes of this state, as conflicts with the provisions of this act, is hereby repealed. **Repealed.**

SEC. 3. This act shall take effect from and after its passage and publication.

Approved February 8, 1856.

CHAPTER 4.

Published February 13.

An Act to amend chapter forty-seven of the Revised Statutes, entitled "Of Religious Societies."

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. Section eighteen, of chapter forty-seven of the revised statutes of this state, entitled "Of Religious Societies," is hereby so amended as to read as follows, viz: It shall be lawful for the circuit court for the county in which any such religious corporation shall have been constituted, on the application of such corporation, if such court shall deem it proper to make an order for the sale or mortgage of any real estate belonging to such corporation, and to direct the application of the moneys arising therefrom to such uses, as the said corporation, with the approbation of said court, shall conceive to be for the interest of such corporation. **Amendment.** **To sell or mortgage real estate.**

SEC. 2. The provisions of section eighteen, as amended by this act, and of section nineteen, of chapter forty-seven of the revised statutes of this state, shall be applicable to all religious societies and corporations in this state, whether constituted under the provisions of said chapter or otherwise. **Made applicable.**

SEC. 3. This act shall take effect and be in force from and after its passage and publication.

Approved Feb. 12, 1856.

CHAPTER 5.

Published February 19.

An Act to authorize the Secretary of State to audit the accounts of County, Town, City and Village clerks and assistants, for taking the census of 1855.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Secretary of state to audit accounts for taking census.

SECTION 1. The secretary of state is hereby authorized and required to audit the accounts of the several clerks of the boards of supervisors for each county, and the clerks of the several towns, cities and villages of this state, and assistants duly appointed by the clerks of boards of supervisors, for taking the census and making the returns, according to the law of this state, approved March 31, 1855

Payment of same.

SEC. 2. The accounts of these several county, town, city and village clerks, and assistants, when audited and certified as correct by the secretary of state, shall be paid by the state treasurer, out of any money not otherwise appropriated, and shall be his vouchers in settling his accounts with the state, and a sufficient sum to pay the accounts so audited and certified, is hereby appropriated for that purpose out of any money in the treasury, not otherwise appropriated.

Amounts to be allowed in auditing.

SEC. 3. It shall be the duty of the secretary of state, in auditing and certifying the accounts of the clerks of cities, towns and villages, and of assistants duly appointed according to law, for taking and returning the census of 1855, to allow to all such clerks or assistants who shall have made due return to the clerks of the boards of supervisors of their respective counties of the enumeration required to be made by them respectively, by the terms of the act in relation to census, approved March 31, 1865, as follows: To clerks of incorporated cities and villages, one dollar for every one hundred persons, and the like sum for a fraction of one hundred enumerated and returned by them respectively; to town clerks and assistants appointed by the clerks of the board of supervisors, one dollar and fifty cents for every one hundred persons, and the like sum for a fractional hundred, enumerated and returned by them respectively; *Provided*, That he may allow to persons taking said census in counties not

Proviso.

organized for judicial purposes, and in districts not included in any town organization an additional compensation of one dollar and fifty cents for every one hundred persons so enumerated and returned by them, and the said secretary of state shall also audit and allow to the clerks of the boards of supervisors, for making and preparing duplicate copies of the enumeration of their respective counties, and for transmitting one of said copies to the secretary of state, and delivering the other to the register of deeds of the county, the sum of five dollars for each of said duplicate copies, if said enumeration for the county shall comprise the names of one thousand persons, or less, and one dollar for each of said duplicate copies for every thousand names said enumeration shall contain, exceeding one thousand, and the like sum for the fraction of a thousand.

SEC. 4. This act shall take effect from and after its passage.

Approved February 14, 1856.

CHAPTER 6.

Published March 5.

An Act to provide for the purchase of Stationery for the use of next Legislature.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The superintendent of public property is hereby authorized to purchase all stationery necessary for the use of the next legislature. **Stationery for next legislature.**

SEC. 2. There is hereby appropriated out of any money in the treasury, not otherwise appropriated, the sum of three thousand dollars, as a contingent fund for the purchase of such stationery. **Appropriation.**

SEC. 3. The said superintendent of public property is hereby required to make out an account of the disposition of such fund to the proper committee of the next legislature, and he is also required to give a bond in the sum of **Superintendent to give bond.**

of thirty-five hundred dollars, to the state treasurer, with surety, which bond shall be approved by the governor, for the faithful expenditure of said sum of three thousand dollars, or so much thereof as may be necessary for the purpose mentioned in the first and second sections of this act: *Provided*, That before drawing any of said sum of three thousand dollars, the said superintendent of public property, shall make and execute such bond to the state treasurer, with two or more sufficient sureties, to be approved by the governor: *And provided also*, That the purchase of stationery made by the said superintendent of public property, shall be by contract, and said contract shall be let to the lowest bidder.

Proviso.

Proviso.

Approved February 19, 1856.

CHAPTER 7.

Published March 4.

An Act to appropriate a certain sum of money to the Superintendent of Public Property, to purchase Stationery for the State Officers, viz: the sum of three thousand dollars.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Stationery for state offices.

SECTION 1. The superintendent of public property is hereby authorized to purchase all stationery necessary for all the several offices and departments of the state, for the year one thousand eight hundred and fifty-six.

Appropriation

SEC. 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of three thousand dollars, as a contingent fund for the purchase of such stationery.

Superintendent to give bonds.

SEC. 3. The said superintendent of public property is hereby required to make out an account of the disposition of such fund to the proper committee of the next legislature, and he is also required to give a bond in the sum of four thousand dollars, to the state treasurer, with surety, which bond shall be approved by the governor, for the faithful expenditure of the said sum of three thousand dollars, or so much thereof as may be necessary for the

purpose mentioned in the first and second sections of this act; *Provided*, That before drawing any of said sum of three thousand dollars, the said superintendent of public property shall make and execute such bond to the state treasurer with two or more sureties, to be approved by the governor; *And Provided, also*, That the purchase of stationery by the said superintendent of public property, shall be by contract, and said contract shall be let to the lowest and best bidder. Proviso. Proviso.

SEC. 4. The said superintendent of public property shall from time to time, furnish to the several offices or departments, under the direction of the governor, such quantities of stationery as may be necessary to the business of of the same, and shall keep an account of the articles so furnished, for public inspection. The purchase of any stationery, by any state officer, assistant, deputy, clerk, or other person employed in any department, of any person or persons, at the expense of or to be charged to the state, is hereby prohibited, and no bill for any such purchase hereafter made, shall be considered or allowed. To keep an account of stationery furnished, &c.

Approved February 19, 1856.

CHAPTER 8.

Published March 5.

Act to appropriate the sum of one thousand dollars to defray the postage of the members of the present legislature, and to authorize the secretary of state to audit the account of the post master in Madison, for postage.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to John N. Jones, post master at Madison, one thousand dollars, (1,000.00) for postage of members of the present legislature, from Feb. 11, 1856. Appropriation for postage.

SEC. 2. It shall be the duty of the secretary of state to audit the account of the said John N. Jones, for postage, and when so audited and allowed they shall be paid by Audit account.

the state treasurer, on the order of the secretary of state out of any money not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 19, 1856.

CHAPTER 9.

Published February 23.

An Act in relation to the circuit court of Rock county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Special term of court.

SECTION 1. A special term of the circuit court for Rock county, shall be held on the twenty-sixth day of February, 1856, and no notice of the holding thereof shall be required. There shall be held a special term of said court in said county, on the third Tuesday of January in every year hereafter.

To adjourn same.

SEC. 2. The judge of said court may adjourn any general or special term thereof, for any time, by an order made in open court, and entered in the minutes kept by the clerk thereof, and no notice of such adjournment shall be required.

In certain cases court to stand adjourned without day.

SEC. 3. In case the judge of the court shall not arrive and open the court on the first day of any term thereof, or on the day to which any term shall be adjourned, before four o'clock, the clerk of the court shall adjourn the said court, from day to day, not exceeding six days, Sunday's excepted, and shall enter an order making such adjournment in the minutes, kept by him, and if the judge should not arrive and open the court before four o'clock of the said sixth day, the court shall stand adjourned without day.

SEC. 4. This act shall be published immediately, and be in force from and after its passage.

Approved February 22, 1856.

CHAPTER 10.

Published March 7.

An Act to distribute the History of Wisconsin to the several School Districts of this State.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

History of Wisconsin—its distribution

SECTION 1. The superintendent of public property is hereby authorized to deliver to the superintendent of public instruction, twenty-five hundred copies of the History of Wisconsin.

State superintendent to forward same to registers.

SEC. 2. It shall be the duty of the state superintendent of schools, as soon as he shall receive the books as above provided, to forward a sufficient number of copies to the register of deeds of each county in the state, whose duty it shall be to receive the same, to supply the several common schools therein, and at the same time inform the town superintendent of each town of the number of copies which he is entitled to receive from the register of deeds of his county, to be distributed to the several common schools in his town.

Town superintendent's duties.

SEC. 3. On the receipt of the aforesaid books, the town superintendent shall deliver to the librarian of each organized school district in his town, one copy for each common school taught therein, and shall take his receipt for the same, and file it among the records of his office, and such books, when received by the several districts in the state, shall be considered as belonging to the library of the district, and shall be subject to the same laws and regulations as other library books.

To compensate for services.

SEC. 4. The register of deeds and town superintendent shall receive such compensation for the services required by them by the provisions of this act, as the county and town boards of supervisors, respectively shall deem proper.

Provisions of act made to apply, &c.

SEC. 5. The provisions of this act shall be so construed as to apply to the superintendents of common schools of the several cities of this state, the same as to town superintendents, and where school districts have no librarian elected, then the books must be delivered by the town superintendent to the district clerks of such districts.

Repealing clause.

SEC. 6. So much of any act as requires the holding of a term of said court in either of said counties at any other time than as hereinbefore specified, and all acts conflicting with the provisions of this act are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 6, 1856.

CHAPTER 14.

Published March 11.

An Act to change the name of Artemas Ewell George, and to constitute said child an adopted son of R. J. and Louisa S. Munn.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To change a name.

SECTION 1. That the name of Artemus Ewell George shall hereafter be Ewell George Munn, by which name the said person shall be called and known, to all legal intents and purposes.

Heir-at-law.

SEC. 2. The said person whose name is thus changed by the first section of this act, shall be the child and heir-at-law of Romanzo J. Munn and Louisa S. Munn, his wife, of the city and county of Racine, in the state of Wisconsin, and the obligation of child to parent and parent to child, shall pertain as fully between the parties herein named, as in the case of legitimate parentage and descent.

When to take effect.

SEC. 3. This act shall take effect from and after its passage: *Provided*, That this act shall have no force until the said Romanzo J. Munn and Louisa S. Munn, his wife, shall assent thereto, by an instrument in writing, to be by them subscribed and acknowledged, and recorded in the office of the register of deeds, of said county of Racine.

Approved, March 1, 1856.

CHAPTER 15.

Published March 11.

An Act to authorize the extension of time for the collection of taxes in certain cases.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To extend time for collecting taxes.

SECTION 1 The board of supervisors of any town, and the common council of any city, shall have power, and they are hereby authorized to extend the time for the collection of taxes in such town or city, for such period of time not exceeding thirty days, as the said board of supervisors or the said common council may deem necessary.

Not to postpone payment.

SEC. 2. The extension of time for the collection of taxes in any town or city, shall not in any manner, postpone the time for the payment to the county treasurer, of the state tax included in any town or city tax roll.

Collector—powers.

SEC. 3. The collector of taxes shall have the same power and authority to proceed in the collection of taxes contained in such town or city tax roll after, as before, such extension of time for the collection of said taxes and the return of any such collector of taxes to the county treasurer within the time limited and specified by said board of town supervisors, or to the common council in their order, extending the time for the collection of taxes, shall be as valid and effectual as if made pursuant to the direction of the original warrant.

Form.

SEC. 4. Such order extending the time for the collection of taxes, may be in the following or equivalent form, to be endorsed upon the warrant annexed to the tax roll of such town or city:

We hereby renew this warrant for ——— days.

Dated, this — day of ———

———————————

Supervisors of the town of ——
or Mayor and Clerk of common council
of the city of ———

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 1, 1856.

CHAPTER 16.

Published March 12.

An Act to change the names of Eliza Lucy Allison and James Henry Allison to Eliza Lucy Van Orden and James Henry Van Orden.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To change names.

SECTION 1. The name of Mrs. Eliza Lucy Allison, of the town of Linn, in the county of Walworth, is hereby changed to Eliza Lucy Van Orden, and the name of James Henry Allison, her infant son, is hereby changed to James Henry Van Orden, and by such names of Eliza Lucy Van Orden and James Henry Van Orden, the said two persons shall hereafter be legally known in all places and at all times, and for all purposes.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1856.

CHAPTER 17.

Published March 12.

An Act to change the name of James Thomas Jones to James Thomas Parkinson, and to constitute the said James Thomas heir-at-law of Daniel M. Parkinson and Mary F. Parkinson, his wife.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To change name.

SECTION 1. That the name of James Thomas Jones, son of Hannah Jones, deceased, late of La Fayette county, in this state, shall be and is hereby changed to James Thomas Parkinson, and by this latter name he shall hereafter be called and known in popular nomenclature and in law.

Heir-at-law.

SEC. 2. The said James Thomas Parkinson shall be deemed and taken in law to be the child and heir-at-law

of Daniel M. Parkinson and Mary F. Parkinson, his wife, of said La Fayette county, and the mutual obligations of parent and child shall exist and pertain as fully between the foster parents and foster child mentioned herein, as in the case of natural parentage; *Provided*, That before this act shall become binding and effective, the said Daniel M. Parkinson and Mary F. Parkinson, his wife, shall assent in writing, under their hands and seals, to the provisions of this act, which writing shall be witnessed by two witnesses, and be filed with and recorded by the register of deeds of said county of La Fayette. Proviso.

SEC. 3. This act shall take effect from and after its passage, publication and a full compliance with the provisions contained in the second section of this act. When to take effect.

Approved March 7, 1856.

CHAPTER 18.

Published March 17.

An Act to authorize the Secretary of State to audit accounts for printing documents in foreign languages, and appropriating for payment of such accounts when audited.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The secretary of state is hereby authorized to audit all accounts for printing in any foreign language ordered by either branch of the legislature, at the present session, at the rate of ten cents for every thirty two pages of the English copy of the reports or documents as furnished by the state printer. Secretary of state to audit certain accounts.

SEC. 2. The state treasurer is hereby directed to pay on the warrant of the secretary of state, the accounts audited as provided in section one of this act, and a sum sufficient to pay said accounts as they are audited, is hereby appropriated out of any money in the state treasury not otherwise appropriated. Payment of same.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 14, 1856.

CHAPTER 19.

Published March 17.

An Act to appropriate to the Wisconsin Institute for the education of the Blind, the sum of fifteen thousand dollars.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Appropriation for institution for blind.

SECTION 1. There is hereby appropriated to the Wisconsin Institute for the education of the blind, the sum of five thousand dollars for the support of said institute, from the first day of January, one thousand eight hundred and fifty-seven, to the first day of January, one thousand eight hundred and fifty-eight, to be levied and collected in the tax of eighteen hundred and fifty six, and paid to said institution in the year eighteen hundred and fifty-seven.

To complete building.

SEC. 2. There is hereby appropriated to said institution the further sum of ten thousand dollars for the completion of the main building of said institution according to the plan of the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 14, 1856.

CHAPTER 20.

Published March 17.

An Act to authorize the Secretary of State to audit the account of the Post Master at Madison.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Secretary of state to audit account of postmaster.

SECTION 1. It shall be the duty of the secretary of state to audit the account of the post master at Madison, for postage of members of the senate and assembly from March 7, 1856, to the close of the present session of the

legislature, and when so audited and allowed, the same shall be paid by the state treasurer on the order of the secretary of state out of any moneys not otherwise appropriated.

SEC. 2. This act shall be in force from and after its passage.

Approved March 14, 1856.

CHAPTER 21.

Published March 22.

An Act to remit certain forfeitures, and extend time for payment of School or University Land interest.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. All forfeitures that have accrued to this state, in consequence of the non-payment of any interest due the state on any loan from the school or university funds, or on account of any interest due on account of school and university lands, in any manner, on the fifth day of March, A. D. 1856, are hereby remitted to the persons respectively from whom interest was due, and if any such person shall have paid any such forfeiture between the fifth of March aforesaid, and the passage of this act, the state treasurer is hereby authorized and directed to place the amount thus paid as forfeiture, to the credit of the person who may have so paid the same, and apply the same to the payment of the interest which shall be due from said persons next year, and the time for payment of interest due the state as aforesaid, for the present year, is hereby extended to the first day of May, A. D. 1856. Forfeitures remitted.

SEC. 2. This act shall be in force and go into effect from and after its passage.

Approved March 18, 1856.

CHAPTER 22.

Published March 22.

An Act to provide for more fully carrying into effect the General Banking Law of this State.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Bank comptroller to appoint assistant register.

SECTION 1. The bank comptroller is hereby authorized to appoint one assistant register, who shall be accountable to and perform such duties as may be assigned him by the bank comptroller, and shall receive an annual salary of six hundred dollars, to be paid by the state treasurer quarterly, commencing on the first day of January last.

Clerk.

SEC. 2. The state treasurer is hereby authorized to appoint one clerk, who shall perform such duties in the bank department as may be assigned by the state treasurer.—He shall receive an annual salary of six hundred dollars, to be paid out of the state treasury quarterly, commencing on the first day of January last.

Agent.

SEC. 3. The agent of the bank department in the city of New York, shall receive an annual salary of five hundred dollars, to commence on the first day of January, 1856, and to be paid by the state treasurer, on the certificate of the bank comptroller. The salary of the bank register is hereby increased to the sum of twelve hundred dollars.

Appropriation.

SEC. 4. A sum sufficient to provide for the payment of the foregoing appropriations is hereby annually appopriated, to be paid out of any money in the state treasury not otherwise appropriated.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 18, 1856.

CHAPTER 23.

Published March 25.

AN ACT to authorize certain towns to aid in the construction of the Milwaukee and Beloit Railroad.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The respective boards of supervisors of the towns of Muskego, Vernon, Mukwanago, in the county of Waukesha, and of east Troy, Troy, Lafayette, Sugar Creek, Elkhorn and Delavan, in the county of Walworth, are hereby authorized and empowered on the condition and for the purpose of aiding in the construction of the Milwaukee and Beloit railroad, to issue the bonds of their respective towns for any sum of money not exceeding in the aggregate, the amount in each town, as hereinafter specified, to wit: Muskego, fifty thousand dollars; Vernon, fifty thousand dollars; Mukwanago, one hundred thousand dollars; East Troy, one hundred thousand dollars; Troy, fifty thousand dollars; Lafayette, thirty thousand dollars; Sugar Creek, forty thousand dollars; Elkhorn, twenty five thousand dollars; Delavan, seventy-five thousand dollars. Certain towns to issue bonds to railroad.

SEC. 2. Such bonds shall be signed by the chairman of the town board of supervisors, and countersigned by the town clerk, and shall be of such denomination and payable at such place as the board of supervisors, issuing them may deem advisable, and shall be payable at a time specified therein, not exceeding twenty years from the date, with interest, not exceeding 8 per cent. per annum, payable annually or semi-annually. When payable, &c.

SEC. 3. Such bonds may be delivered to the Milwaukee and Beloit railroad company, at their par value, in payment for shares of stock to be subscribed by the supervisors of the town, in the capital stock of said railroad company, for the benefit of such town; but no such bonds shall be issued until a majority of the legal voters of the town voting upon the question shall have voted in favor of such issue. A special election for that purpose may be called by the supervisors of the town, at the usual place of holding the annual town meeting, at such time as they To vote on issue of bonds.

may deem proper; but in either case notice of the election shall be posted up in five public places in the town, and be published in a newspaper printed in the county, for twenty days preceding such election; such notice shall specify the amount of the bonds proposed to be issued to said railroad company, the length of time they are to run, the rate of interest they shall bear, and the place where the same shall be payable; at such election, those voting in favor of the proposition shall deposit a ballot containing the words thereon, "For the railroad," and those voting against it shall deposit a ballot containing thereon the words, "Against the railroad." The election shall be conducted, and the votes shall be canvassed, certified to, and recorded in the same manner as the votes given at the annual town meeting; *Provided, however*, That no such election shall be ordered or called by the supervisors of the town, unless the same shall be requested in a petition signed by not less than twenty-five freeholders of such town; but when such petition so signed shall be presented to the supervisors of the town, they shall order or call such election as herein provided.

Proviso.

Company to give security.

SEC. 4. Before the supervisors shall issue and deliver any such bonds, said railroad company shall give security to the satisfaction of the supervisors, that the money arising from the sale of bonds shall be faithfully applied to the construction of the Milwaukee and Beloit railroad; and the said railroad shall be completed to such point within such time as they may deem it safe and expedient to require.

Stock, &c. pledged for payment of principal and interest.

SEC. 5. The shares of stock in said railroad company thus taken by any town, and all dividends arising therefrom, are hereby and shall remain irrevocably pledged for the payment of the principal and interest of the bonds delivered therefor, as also for the faith of such town; but the supervisors of the town may sell the shares of stock taken in said railroad by such town if authorized so to do, by a majority of the legal voters voting at an annual town meeting in such town, and thereafter the proceeds of such sale, and the interest thereon, shall be and remain irrevocably pledged to pay the principal and interest of such bonds, and the supervisors shall annually, or whenever it may become necessary, levy a tax upon the taxable property of the town, sufficient to pay the interest upon such bonds, and the principal when it shall become due, and such tax shall be assessed, levied and collected in the

same manner as other taxes in such towns are assessed, levied and collected by law.

SEC. 6. The shares of stock so subscribed for, and held by any such town, shall not be in any manner affected by any mortgage, lien, or incumbrance given or obtained upon such railroad; and in case any such railroad be sold or in any manner disposed of, to satisfy any such mortgage or lien, such shares of stock held by such town, shall still remain valid and unaffected, and the town shall be entitled to draw the same dividends upon such shares in whosoever hands or control such railroad may be, as if no such sale or disposition had been made. Stock not affected by mortgage.

SEC. 7. The board of supervisors of each town holding any shares of stock in said railroad, shall annually, or as often as a vacancy occurs, appoint one railroad commissioner, who shall attend the annual or special meetings of the stockholders of said railroad company, and shall be entitled to cast one vote for every share of stock so held by the town, in the election of officers in said railroad company, and in all questions in which the stockholders may have a vote. Railroad commissioner.

SEC. 8. This act shall be published in one newspaper published in each of the counties of Waukesha and Walworth, and with the laws of a general nature, and shall be in force from and after its passage. To publish.

Approved March 18, 1856.

CHAPTER 24.

Published March 26.

AN ACT to authorize the State Superintendent of Public Instruction to subscribe for a certain number of copies of the Wisconsin Journal of Education.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The state superintendent of public instruction, from year to year, so long as he shall deem expedient, is hereby authorized to subscribe for so many copies of the Wisconsin Journal of Education, published by the State superintendent to subscribe for journal of education, &c.

State Teachers' Association, at the price of fifty cents per year, as shall be sufficient to supply one copy to each organized school district in the state, and one copy to each town superintendent of schools in the state; *Provided*, The state superintendent be allowed to publish, free of expense to the state, any and all matters of an educational character, that he may wish to publish from month to month in the columns of said journal. The said periodical shall be sent by the publishers to the clerk of each school district in the state, and to each town superintendent in the state. It shall be the duty of each district clerk to cause each volume to be bound, at the expense of the district, and to be kept in the library of such district, subject to the general library regulations.

Payment for same.

SEC. 2. A sum sufficient to pay for the number of copies of said journal so subscribed for, is hereby annually appropriated out of the income of the school fund, and the same shall remain in the state treasury, subject to the draft of the state superintendent of public instruction, to be drawn quarterly, and paid over to the publisher of said journal.

To deduct same from school fund.

SEC. 3. In making the annual apportionment of the income of the school fund among the several towns and cities of this state, it shall be the duty of the state superintendent to deduct from the whole amount otherwise subject to apportionment, such sum as may be necessary to pay for the said journal at the price above named.

To certify amount deducted to state treasurer.

SEC. 4. In certifying to the state treasurer the apportionment of the income of the school fund annually, the state superintendent shall state in such certificate the aggregate amount deducted according to the provisions of this act.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 19, 1856.

CHAPTER 25.

Published March 26.

An Act to change the name of William Ramminger to William Reichel.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of William Ramminger, a resident of the city of Sheboygan, in the county of Sheboygan, commonly known by the name of William Reichel, is hereby changed to William Reichel, by which name he shall be hereafter known in law, for all purposes whatsoever. Name changed

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1856.

CHAPTER 26.

Published in Extra, April 16.

An Act to regulate the crossing of railroad tracks by railroad trains.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That all railroad trains drawn or propelled by one or more locomotives, shall stop and come to a dead halt before arriving at, or crossing the track of another railroad, and the one arriving near said crossing first (if two trains are present at the same time) shall cross and move on first. Crossing railroad track.

SEC. 2. If any railroad company, or their agents, servants, or employees, shall violate the provisions of this act, such company shall for each and every violation thereof forfeit and pay the sum of five hundred dollars, such penalty to be collected as other fines and penalties are collected, and to be paid over, one half to the person in whose name the Punishment for violation of act.

access to all the records in their respective offices at all reasonable times, for the purpose of making a copy of said records. And the copy of said records so made being certified under the hand of the person or persons making the same, to be a true copy of all the records relating to or in anywise affecting the title of any lands or any estate or interest in any lands within said towns of Portland, Shields, Emmet, Lebanon and Ashippun, and said fifth and sixth wards of said city of Watertown, to be found in the office of the register of deeds or clerk of the circuit court, county treasurer, clerk of the board of supervisors, (as the case may be) of said county of Dodge, and the said certificate verified by the affidavit of the person or persons making the same, and the said certificate and affidavit being annexed to or endorsed on said copy of said records, and together with said copy deposited in the office of the register of deeds, clerk of the circuit court, county treasurer, or clerk of the board of supervisors (as the case may be) of said county of Jefferson, shall be to all intents and purposes a part of the records of said county of Jefferson, and all matters and things therein contained, shall be received in all courts and places, and shall have the same force and effect as if originally entered of record in said county of Jefferson.

Commissioners to make survey of co. of Dodge.

SEC. 5. On application of the board of supervisors of Dodge county, the supreme court shall appoint three commissioners, who shall severally be practical surveyers, whose duty it shall be to proceed and make an actual and accurate survey and admeasurement of the area of said county of Dodge, and shall complete such survey and admeasurement, and shall file their determination and finding in writing to the office of the secretary of state, on or before the first day of July, in which they shall state specifically the number of acres and fractions of an acre contained in such area, and in case they find and determine that said county has not an area in the aggregate greater than nine hundred square miles, then this act shall not take effect, until a majority of the voters voting on the question of division, as hereinafter provided shall have voted for division.

Vote on division.

SEC. 6. If it shall appear by the finding and determination of such commissioners, that the area of said county of Dodge does not in the aggregate exceed nine hundred square miles, then the secretary of state shall forthwith after the filing such report and determination, order and

give notice of an election to be held in the several wards and towns in said county of Dodge, at which election any qualified voter of said county may vote "for division," or "against division," on a written or printed ballot, or on a ballot partly written and partly printed. Such election shall be not more than seventy days, nor less than forty days from such first days of July, and notice thereof shall be published not less than thirty days in the state paper, and in all papers published in Dodge county, and in the city of Watertown, which order and notice shall state distinctly the question to be presented to such voters, and shall be severally signed by the secretary of state: *Provided*, The refusal or omission to publish for any part of the time aforesaid in any of said newspapers, shall not invalidate such election, if a copy of such notice shall have been duly served (by mailing) on such papers for publication. Such election shall be held and conducted in the several wards and towns in the same manner, and during the same hours of the day, and the votes of the towns and wards severally, and of the whole county canvassed, in the same manner as at general elections.

If a majority vote in its favor.

SEC. 7. If a majority of all the votes cast at such election, shall be for division, then this act shall be in full force and effect from and after the fifteenth day of September next.

SEC. 8. Such commissioners shall, before proceeding to take such measurement, severally take and subscribe an oath, substantially in the following form:

STATE OF WISCONSIN, }
County of Dodge, } ss.

Form of oath.

———, Being duly sworn, do severally say, each for himself, that he will faithfully and honestly measure, ascertain and determine, the number of square miles, and numbers of acres and fractions of miles and acres, within said county, and make true returns of such measurement and determination as by law required.

Subscribed, &c.

To file oath and finding.

Which oath shall be filed with their finding and determination in the office of secretary of state, and may be sworn to before any officer of this state authorized to administer oaths: any two of said commissioners may make the measurement, finding and determination, and shall sign the same under their hands.

Chainmen. Such commissioners may employ not more than two chainmen at any one time, and in such case, all chainmen so employed, shall take and subscribe an oath in all respects like the one above mentioned, (except so far as relates to making returns of proceedings) before proceeding to act.

Public act. SEC. 9. This act is hereby declared a public act, and shall be favorably construed to effect the purpose hereby intended, and copies thereof printed by authority of the state, shall be received as evidence thereof in all cases, and this act shall take effect and be in force from and after its passage.

Approved March 20, 1856.

CHAPTER 28.

Published April 28.

An Act to amend an act entitled "an act to fix the times for holding the terms of the circuit court in the counties of Brown and Outagamie, in the tenth judicial circuit," Approved March 6, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. Section three of chapter thirteen, of the general laws of Wisconsin for the year 1856, is hereby amended by striking out the word "grand" in the first line of said section, and inserting the word "petit."

SEC. 2. This act shall take effect and be force from and after its passage.

Approved March 21, 1856.

CHAPTER 29.

Published April 28.

An Act to change the name of Harriet Cowles and her infant daughter Mary Emma Virginia Cowles.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Harriet Cowles of the town of Baraboo, in the county of Sauk, is hereby changed to Harriet Chapman, and the name of her infant daughter, Mary Emma Virginia Cowles, is hereby changed to Mary Emma Virginia Chapman, and by the last mentioned names they shall respectively be hereafter known and recognized. **Name changed.**

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 22, 1856.

CHAPTER 30.

Published March 25.

An Act concerning evidence.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Copies of any record, plat, file, paper or memorandum, of the purchase or entry of any land made or kept in any land office of the United States located in this state, when certified by the register of the land office, having the charge or custody thereof, in like form as is by statute required as to other records, plats, files or papers, shall be, in or before any court or tribunal, evidence of the matters or things so certified. **Copies of record, &c., certified by register deemed evidence.**

SEC. 2. This act shall be printed by the state printer immediately after the passage thereof, and when so printed shall take effect.

Approved March 25, 1856.

CHAPTER 31.

Published April 29.

An Act to protect the Capitol Square, and the public property therein.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

To protect Capitol square.

SECTION. 1. Any person who shall girdle, or in any way willfully injure the trees growing upon the Capitol Square, in the city of Madson, or who shall willfully break, destroy, or in any way injure the fences enclosing said square, or the chains or posts enclosing the grass plots in said square, shall be liable to a penalty of not less than five dollars, to be recovered before any court of competent jurisdiction; and the superintendent of public property is hereby authorized to proceed on behalf of the state, for any violation of the provisions of this act.

SEC. 2. This act shall take effect and be in force from and after its publicalion.

Approved March 27, 1856.

CHAPTER 32.

Published in Extra April 16.

An Act to provide for the erection and maintainance of guide boards along leading and important public highways.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Supervisors to have guide boards put up.

SECTION 1. It shall be the duty of the chairman of the town board of supervisors of each town in this state, within six months from and after the passage of this act, to cause to be erected at the intersection of all main traveled roads within his town with other legally laid out roads, suitable and intelligible post guides or guide boards giving direction and distance from the point of such inter-

section to adjoining or important towns, the expense to be paid from the treasury of the town.

SEC. 2. Any chairman of a town board of supervisors who shall neglect the duty required by section one of this act, shall forfeit and pay for each month's neglect of such duty, and for each instance of such neglect, for the time aforesaid, a fine of five dollars, to be recovered before any justice of the peace of the county, on complaint of any person of lawful age who shall prefer such complaint, one half of said fine to go to the complainant, and the remaining half to the school fund, and the officer who shall be adjudged to pay any fine as provided in this section shall also be adjudged to pay the costs of prosecution. **Fine for neglect.**

SEC. 3. It shall be the duty of the chairman as aforesaid to keep in repair all guide boards erected as provided in section one, subject to the same penalty for neglect of duty as provided in section two of this act; the cost of such repairs shall be paid by the town. **To keep guide boards in repair.**

SEC. 4. If any person shall deface, injure or destroy guide-post or guide-board, erected in any town of this state, and shall neglect for the space of ten days thereafter to repair and restore the same to as perfect condition as it was previous to such defacing, injuring or destruction, such person shall be adjudged, on complaint of any person, to pay damages to three times the cost of repairing and restoring such guide-boards as aforesaid, together with cost of prosecution; such damages to be recovered before any justice of the county. **Injury to same**

SEC. 5. It shall be the especial duty of any town supervisor who has knowledge that an offence mentioned in section four has been committed within his town, to make diligent effort for the detection of the person by whom such offence was committed, and to prosecute for and collect the damages for the use of the town. **Detection of persons doing injury to boards.**

SEC. 6. That all acts and parts of acts contravening the provisions of this act, are hereby repealed. **Repealed.**

SEC. 7. This act shall be published immediately after its passage, and shall be in force from and after its publication.

Approved March 27, 1856.

CHAPTER 33.

Published April 30.

An Act to change the name of John Dress, and constitute him the adopted son of Nicholas Hubing and Margaret Hubing.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name changed

SECTION 1. The name of John Dress, of the town of Belgium, in the county of Ozaukee, is hereby changed to that of John Hubing, and by the last mentioned name, he shall be hereafter known and recognized for all purposes whatever.

Heir.

SEC. 2. The said John Hubing shall be known as the adopted son and heir of Nicholas Hubing, and his wife Margaret Hubing, of said town of Belgium, and entitled to all the rights and privileges, and subject to all the duties of inheritance, support and maintenance, as fully and effectually, and in the same manner, as he might or should do, if he were the legitimate child of the said Nicholas and Margaret Hubing.

SEC. 2. This act shall be in force from and after its passage and publication.

Approved March 27, 1856.

CHAPTER 34.

Published April 30.

An Act to change the name of Ella P. Ward to that of Ella P. Ward Morris.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Name changed

SECTION 1. The name of Ella P. Ward, of the city of Fond du Lac, in Fond du Lac county, an infant, is hereby changed to that of Ella P. Ward Morris, and by that last mentioned name, she shall be hereafter known and recognized.

SEC. 2. The said Ella P. Ward Morris shall be known as the adopted daughter of Richard L. Morris and Susan A. Morris, his wife, of the said city of Fond du Lac, and shall bes ubject to all the duties and entitled to all the rights of support, maintenance and inheritance, as fully and effectually, and in the same manner as if she might or should if she were the legitimate child of the said Richard L. Morris and Susan A. Morris. Adopted.

SEC. 3. For the purpose of giving effect to this act, the said Richard L. and Susan A. Morris, may execute their instrument in writing, under their hands and seals, and duly acknowledged by them, before the Judge of Probate, of the county in which they reside, expressing their assent to the provisions of this act, and shall file the same with a copy of this act thereto attached, in the office of said judge, who shall record the same in the record of wills and testaments. To file assent.

SEC. 4. This act shall take effect as to the first section thereof, from and after the passage of this act, and as to the remainder thereof, it shall take [effect] from and after the time of recording said assent as provided in the third section of this act. When to take effect.

Approved March 28, 1856.

CHAPTER 35.

Published in Extra April 16.

An Act to amend section sixty-seven of chapter fifteen of the Revised Statutes

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixty-seven of chapter fifteen of the revised statutes, entitled of the assessment and collection of taxes, is hereby amended so as to read as follows: "Each town treasurer shall receive two per centum on all sums collected by him as such treasurer prior to the twenty-fifth day of December, in each year, and on all sums collected after the twenty-fifth day of December, five per cent., to be retained out of the money he may so collect Amendment.

or receive; and in case of a distress and sale by him of goods and chattels for the payment of any tax, he shall be entitled to collect and receive from the same in addition, such fees as constables are authorized to receive for levying upon and selling goods under execution.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1856.

CHAPTER 36.

Published April 30.

An Act to authorize the Secretary of State to audit certain accounts, and provide for the payment of the same.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Secretary of state to audit certain accounts.

SECTION 1. The secretary of state is hereby authorized to audit the several claims of persons attending as witnesses, before the judiciary committee, in the matter of the investigation of the frauds in the late general election, upon the certificates that may be issued for mileage and attendance of witnesses before said committee, by the chairman of the judiciary committee of the senate. The compensation of said witnesses being hereby fixed at two dollars per day for attendance, and at six cents per mile, traveling fees, going and returning by the nearest public road. The treasurer is hereby directed to pay to said witnesses, upon the certificate of the secretary of state, the several sums so audited and allowed, and certified by him.

Same.

SEC. 2. The secretary of state is hereby also authorized to audit the accounts of the sergeant-at-arms of the senate for subpoening witnesses to attend before the judiciary committee of the senate, in the matter of said investigation, upon certificate of service, that may be issued by the chairman of said committee. The compensation of the sergeant-at-arms for said services is hereby fixed at six cents per mile for each mile actually travelled, going and returning, and fifty cents for service of subpoena on each

witness, at the treasurer is hereby directed to pay to said sergeant-at-arms, upon the certificate of the secretary of state, the several sums so audited and allowed by him.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1856.

CHAPTER 37.

Published April 30.

An Act to change the name of Salena Richardson to Salena Wilson.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Salena Richardson, of Black Earth, Dane county, an infant orphan, ten years of age, is hereby changed to Salena Wilson, and by the last mentioned name she shall hereafter be known and recognized. Name changed

SEC. 2. The said Salena Wilson shall be known as the adopted daughter and heir at-law of Charles Wilson and his wife Elizabeth Wilson, of the said town of Black Earth, and as such be entitled to all the rights, privileges and customs, and subject to all the duties of inheritance, support and maintenance as fully and effectually, and in the same manner, as she might or should do, if she were the legitimate child of the said Charles Wilson and Elizabeth Wilson. Heir-at-law.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1856.

CHAPTER 38.

Published May 2.

An Act to change the name of Adolphina Frantz to Adolphina Frantz Downs

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name changed

SECTION 1. The name of Adolphina Frantz, now living in the town of Grafton, Ozaukee county, is hereby changed to Adolphina Frantz Downs, by which name she shall hereafter be known in law, for all purposes whatever.

SEC. 2. This act shall take effect from and after its passage.

Approved March 28, 1856.

CHAPTER 39.

Published April 23.

An Act to fix the time of holding the terms of the Circuit Court in the Third Judicial Circuit.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time of holding court in certain counties.

SECTION 1. The general terms of the circuit court for the third judicial circuit, shall be held as follows: In the county of Marquette, on the first Monday in March, and on the second Monday of September, in each year. In the county of Dodge, on the third Monday in March, and the fourth Monday in September, in each year. In the county of Washington, on the first Monday in April, and the second Monday in October, in each year. In the county of Ozaukee, on the third Monday of April and the fourth Monday in October, in each year.

Writs, &c. returnable.

SEC. 2. This act shall take effect from and after the first day of June next, and all writs, processes, recognizances or other proceedings made returnable by any laws of this

state, to the terms of the circuit courts mentioned in this act, which shall issue or be had after the next terms of the several circuit courts, as now provided by law, shall be returnable to the first terms of the courts next after the first day of June next, of the respective counties mentioned in this act.

Approved March 28, 1856.

CHAPTER 40.

Published May 5.

An Act requiring commissioners of School and University lands to make monthly reports to the state superintendent of public instruction.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the commissioners of the school and university lands to make on the first Monday of each and every month, a report to the state superintendent of public instruction, showing all transactions during the month previous, in relation to the sale of school lands, loaning of school fund, receipt of income, showing the exact amount of school fund loaned, and the amount received from all sources, separately, each item by itself, as follows: 1st. Amount received from sale of school and university lands. 2d. Amount of interest received on all loans. 3d. Amount of forfeitures. 4th. Amount of fines. 5th. Number of acres of school and university lands sold, and to whom sold. 6th. Amount of school and university fund loaned during the month. 7th. Amount of school and university fund on hand. 8th. Amount of income on hand. 9th. All other transactions relating to the school or university fund or income of the same during the month.

Commissioners to school and university lands to make monthly reports.

SEC. 2. The superintendent of public instruction, on receiving such report, shall place the same on record in his office, and cause the same to be published in the state paper at Madison.

To place same on record.

SEC. 3. This act shall take effect immediately on an after its passage.

Approved March 28, 1856.

CHAPTER 41.

Published in Extra April 16.

An Act in relation to the recording of certain Deeds.

The people of the State of Wisconsin, represented Senate and Assembly, do enact as follows:

Recording of deeds.

SECTION 1. Whenever any deed of lands, situated different counties within this state, whether executed b fore or after the passage of this act, shall have be recorded in any county within which any of such lan may be situated, a copy of the record of such deed, c tified by the register of deeds of the county in which sa deed has been recorded, may be recorded in any oth county in which any of such lands may be situated. the same manner and with the like force and effect as t original deed: *Provided*, That no such certified copy the record of any deed shall be recorded until the gr tee therein mentioned or his agent, assigns, heirs, exe tors or administrators, shall make an affidavit that t original deed is either lost or destroyed, which said a davit shall be endorsed on and recorded with said ce fied copy of the record of such deed.

Proviso.

To construe.

SEC. 2. The word "deed" mentioned in the preced section, shall be construed to include all deeds, mortga contracts or other instruments relating to lands, wh may have been properly recorded.

SEC. 3. This act shall take effect and be in force fr and after its passage.

Approved March 28, 1856.

CHAPTER 42.

Published May 5.

Act requiring County Superintendents of the Poor to give security for the performance of their duties.

The People of the State of Wisconsin, represented in ate and Assembly, do enact as follows:

ECTION 1. Every county superintendent of the poor, shall hereafter be elected under and in pursuance of ion thirty-three, of chapter twenty eight of the revised utes, shall within ten days after notice of his election, before entering upon the duties of his office, execute ie county board of supervisors of his county, his bond two or more sufficient sureties, to be approved by board of supervisors, and in such penal sum as the board shall direct, which bond, with the approval of oard endorsed thereon by their clerk, shall be filed said clerk; such bond shall be conditioned in sub- e that he will faithfully and properly perform all the s of the office of county superintendent of the poor, will pay over and disburse according to law, all mon- hat shall come to his hands as such superintendent, hat he will render a just and true account thereof ever required by the county board of supervisors, or ny provisions of law, and will deliver over to his ssor, or to any other person or persons authorized by o receive the same, all moneys, books, papers and things appertaining or belonging to his said office.

Superintendents of poor to give security for faithful performance of duty.

2. This act shall take effect from and after its pas- ind publication.

proved March 28, 1856.

CHAPTER 43.

Published May 6.

An Act to regulate the terms of the circuit courts in the counties comprising the seventh judicial circuit.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Time of holding court in seventh judicial circuit.

SECTION 1. From and after the first day of June, 1856, the terms of the circuit court shall be holden in the counties of Adams, Marathon, Portage, Waushara and Waupacca, in the seventh judicial circuit, at the time following, in each year: In the county of Marathon on the second Monday of March and last Monday of August. In the county of Portage on the fourth Monday of March and second Monday of September. In the county of Waupacca on the first Monday of April and second Monday in October. In the county of Waushara on the second Monday of April and first Monday in October. In the county of Adams on the third monday of April and fourth Monday in September.

Writs, &c. returnable.

SEC. 2. All writs, summons, indictments, recognizances and other proceedings made returnable by any law of this state now in force, to the circuit courts of said counties, shall be deemed and taken to be returnable to the terms of said courts as fixed by this act, and all adjournments, appearances, continuances, motions and notices of any proceedings in said courts, made or taken to any term of a date subsequent to the term when this act shall take effect, shall be made and taken for the time herein before fixed for holding the terms of said court.

Special terms.

SEC. 3. It shall not be obligatory on the judge of said seventh circuit to hold special terms therein, unless in his opinion there is business in any of said courts requiring the holding of special terms.

Repealing clause.

SEC. 4. All laws now in force in this state inconsistent with the provisions of this act, are hereby repealed.

Approved March 28, 1856.

CHAPTER 44.

Published May 7.

An Act to change the name of Eva Viola Keene, to Eva Viola Gill, and to constitute the said Eva Viola, heir-at-law of Bolivar G. Gill and Sarah S. Gill, his wife.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the name of Eva Viola Keene, daughter of Ephriam Keene, late of Ozaukee county, deceased, shall be and is hereby changed to Eva Viola Gill, and by the last name she shall hereafter be called and known in popular nomenclature, and in law. Name changed

SEC. 2. That the said Eva Viola Gill shall be esteemed and taken in law to be the child and heir-at-law of Bolivar G. Gill and Sarah S. Gill, his wife, of said Ozaukee county, and the natural obligation of parent and child shall exist and pertain as fully between the foster parents and foster child mentioned herein, as in the case of natural parentage; *Provided*, That before this act shall become binding and effectual, the said Bolivar G. Gill and Sarah S., his wife, shall assent in writing, under their hands and seals, to the provisions of this act, which writing shall be witnessed by two witnesses, and be filed with and recorded by the register of deeds (in the book of deeds) of said county of Ozaukee. Heir-at-law. Proviso.

SEC. 3. This act shall take effect from and after its passage, publication, and a full compliance with the provisions contained in the second section of this act. When to take effect.

Approved March 28, 1856.

CHAPTER 45.

Published May 8.

An Act to define the boundaries of the county of Winnebago.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Boundaries of Winnebago county.

SECTION 1. The district of country included within the following boundaries, shall form and constitute the county of Winnebago, to wit: Beginning at the northeast corner of township twenty, north of range seventeen, east of the fourth principal meridian, running thence due south through Lake Winnebago, until it intersects a line running due east and west, between township sixteen and seventeen north, thence west of said line to the southwest corner of township seventeen, north of range fourteen east, thence north on the range line, to the northwest corner of township twenty, north of range fourteen east, thence east on the township line to the place of beginning.

Attached to Shawanaw county.

SEC. 2. Townships twenty six, twenty seven, twenty-eight and twenty-nine, north of range ten and eleven east, are hereby deducted from Winnebago county, and attached to Shawanaw county.

Attached to Oconto county

SEC. 3. All that district of country attached to the county of Winnebago, which lies north of the line dividing townships twenty-nine and thirty north, is hereby detached from Winnebago county and attached to the county of Oconto.

SEC. 4. This act shall take effect from and after its passage.

Approved March 28, 1856.

CHAPTER 46.

Published May 9.

An Act to change the name of Elizabeth Van Antwerp to Sally Elizabeth Smith, and to provide for her adoption as the child and heir-at-law of Benjamin A. Smith and Sally Smith, his wife.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Elizabeth Van Antwerp, is hereby changed to Sally Elizabeth Smith, by which name she shall be hereafter known in all cases and proceedings whatsoever, and the said Sally Elizabeth Smith is hereby declared to be the child and heir-at-law of Benjamin A. Smith and Sally Smith, his wife, and it is hereby made their duty to maintain, support and educate the said Sally Elizabeth in the same manner as if she were the natural child of the said Benjamin A. and Sally Smith. **Name changed**

SEC. 2. This act shall have no force and effect, until the said Benjamin A. Smith and Lovina Austin, the natural mother and only surviving parent of Elizabeth Van Antwerp first before named, shall have assented and executed an instrument in writing, said instrument to be subscribed by them, witnessed and acknowledged in the same manner as is now required in the execution of deeds, nor until said instrument so executed shall be recorded in the office of register of deeds in the county of Rock, in which county the said Benjamin A. and Sally Smith reside. **When to take effect.**

SEC. 3. This act shall be in force from and after its passage and publication.

Approved March 28, 1856.

CHAPTER 47.

Published May 8.

An Act to constitute Carrie Shaver the adopted daughter of Gilbert Shaver and Lucy M. Shaver

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name changed

SECTION 1. That Carrie Shaver, infant daughter of Nelson Shaver, deceased, and of Caroline Shaver, his widow, shall be the child and heir at-law of Gilbert Shaver, and Lucy M. Shaver, his wife, of Hudson, in the county of Walworth and State of Wisconsin, and that the obligation of parent to child and child to parent shall pertain as fully between the parties herein mentioned as in the case of natural parentage and decent.

Proviso.

SEC. 2. This act shall take effect from and after its passage: *Provided*, That before this act shall become binding and effective, the said Gilbert Shaver and Lucy M. Shaver, his wife, and Caroline Shaver, the mother of Carrie Shaver, shall assent in writing under their hand and seal to the provisions of this act, which writing shall be witnessed by two witnesses and be filed and recorded by the register of deeds of said county of Walworth.

Approved March 28, 1856.

CHAPTER 48.

Published May 8.

L 58, p. 33

An Act to amend Chapter 35 of the Revised Statutes.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section first of chapter 35 of the Revised Statutes is hereby amended so as to read as follows, viz:

"SEC. 1. Whenever any logs, timber, boards or planks, in rafts or otherwise, shall be drifted upon any island in any of the warters within this state, or upon the bank or shore

of such waters, the owner of such logs, timber or lumber, may at any time within three years remove the same on paying or tendering to the owner or occupant of such land such reasonable damages as may be caused by reason of such removal or non removal, and if the owner shall not within said time, make such payment or tender and take such logs, timber or lumber from such lands, unless he and the owner or occupant of such lands shall otherwise agree, the same shall be deemed the property of such owner or occupant of the lands: *Provided*, The owner or occupant of the lands may give written notice to the owner of such logs, timber or lumber to remove the same, giving a description of the marks, if any, or kind of logs, timber or lumber, and the description of the place where such logs, timber or lumber are, or if the owner be unknown or cannot be found, by publishing a notice in some newspaper published in the county where such logs, timber or lumber may be, if there be one, if not, in an adjoining county, at least once in each week for three successive weeks, and if such logs, timber or lumber be not claimed and removed from said land within six months after such notice, said logs, timber and lumber shall be deemed the property of the owner or occupant of said lands"

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1856.

CHAPTER 49.

Published April 5.

An Act to consolidate and amend an act entitled "an act providing more fully for the organization of the State Prison, and for repealing chapter 287 of the session laws of 1851," approved April 19, 1852, and of the several acts amendatory thereto.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The state prison at Waupun, in the county of Dodge, shall be the general penetentiary and prison of the state of Wisconsin, for the reformation as well as for the State prison.

punishment of offenders, in which shall be confined, employed in hard labor, and governed in the manner hereinafter directed, all offenders who have been committed and sentenced according to law to the punishment of solitary imprisonment, or imprisonment and confinement therein at hard labor.

Commissioner.

SEC. 2. The organization of the state prison shall consist of one commissioner, who shall be known and styled state prison commissioner, and who shall be elected by the people at the general election in November, at the same time and in the same manner as is the governor and other state officers, and who shall hold his office for the term of two years from the first day of January next succeeding said election, and until his successor shall be elected and qualified: said commissioner shall be warden and treasurer of the prison.

Commissioner to appoint officers, &c.

SEC. 3. The commissioner shall appoint one person to perform the duties of deputy warden and clerk: he shall also appoint one chaplain, one superintendent of the stone department, who shall be overseer; one gate keeper, one turnkey, eight guards, one overseer of cooking department, one overseer or keeper of each department of mechanical labor which is or may be established in the prison, and one matron for the female prison department: said commissioner is hereby further authorized in all cases of emergent necessity to appoint such other additions to the police force as the emergency may reasonably require, during the time such emergency may exist; all persons so appointed, shall hold their offices during the pleasure of the commissioner.

Rules and regulations.

SEC. 4. The commissioner shall make such rules and regulations not inconsistent with the laws of this state, for the government of the officers and convicts of the prison, as he may deem necessary and proper, subject to the approval of the governor.

Commissioner to reside within prison, &c.

SEC. 5. The commissioner shall reside within the precincts of the prison, and neither the commissioner nor any prison officer appointed by him, or holding an office in the prison under him, shall directly or indirectly have any concern in, pecuniarily, nor hold any interest in any contract, either verbal or written, which may be entered into by said commissioner on the part of the state for any purpose whatever connected with the business or interests of the prison.

SEC. 6. The officers of the prison shall receive the following compensation for their services, to wit: the commissioner shall receive the sum of two dollars and fifty cents per day, and 6 cents per mile for every mile actually traveled in the discharge of his duty; the deputy warden shall receive the sum of two dollars and fifty cents per day; the chaplain the sum of two hundred and fifty dollars per year; the superintendent of stone department shall receive the sum of two dollars per day; the gatekeeper shall receive the sum of one dollar and twenty-five cents per day; the turnkey the sum of one dollar and twenty-five cents per day; the overseer in cooking department the sum of one dollar and twenty-five cents per day; the keepers in the respective departments of mechanical labor one dollar and twenty-five cents per day each; the guards shall receive the sum of one dollar and fifty cents per day each; and the matron shall receive the sum of five dollars per week; and the money accruing to the aforenamed officers, by virtue of such compensation shall be paid in quarterly payments by the commissioner out of the treasury of the prison upon appropriations made by the legislature for that purpose. Compensation of officers.

SEC. 7. The commissioner shall be entitled, in addition to the compensation mentioned in the foregoing section, to all necessary fuel for his family use. Commissioner entitled to fuel

SEC. 8. The commissioner shall, on the 31st day of December in each year, make an annual detailed report to the governor, verified on oath, which shall contain a full and accurate statement of all the concerns of the prison, for the year ending on the said 31st day of December; also, a list of the convicts who have been discharged, pardoned, and died during the year, and an estimate of expenses for the ensuing year, which report shall be laid before the legislature by the governor. Annual report.

SEC. 9. The commissioner shall have the charge and custody of the prison, with the lands, buildings, furniture, tools, implements, stock and provisions, and every other species of property pertaining thereto, or within the precincts thereof, and shall superintend the police of the prison, and discipline of convicts; he shall be treasurer of the prison, and shall receive and pay out all moneys granted by the legislature for the support of the prison, and such as may accrue from business in the shops, under contract or otherwise, rentage, or the sale of any article or articles of chattel property. Commissioner to have charge of prisoners, lands, &c.

Accounts of prison, &c.—how kept.

SEC. 10. The deputy warden and clerk shall keep, in suitable books, regular and complete accounts of all the expenses, income, business and concern of the establishment; also, a register of all convicts received, discharged, pardoned, or died, and such other matters as may be necessary in statistics of the kind; he shall at all suitable hours permit the commissioner and all other authorized persons to examine all books in his office; it shall be his duty to perform the duties of the commissioner in his absence, and for the purpose of fully complying with the requisitions in this section, he shall be required to reside within the precincts of the prison grounds; he shall, under the direction of the commissioner, assist him in administering the government and discipline of the prison, and he shall perform all the duties and have all the powers and shall be subject to all the obligations and liabilities of the commissioner, in case of the disability of that officer or vacancy in that office.

Sheriff's delivery of convicts, &c.

SEC. 11. It shall be the duty of the sheriff or deputy sheriff of each county in this state, to convey to the state prison all persons convicted in his county and sentenced to be confined in said prison, as soon as may be after such conviction and sentence shall have been had; and after delivering such convict or convicts to the commissioner, together with a copy of the sentence of the court ordering such imprisonment, said sheriff or deputy sheriff shall take a receipt of such delivery and file the same in the office of the clerk of the circuit where such coviction and sentence were had; and the sheriff or deputy shall be entitled for his services so rendered, the following fees, which shall be in full, viz: for conveying, guarding, boarding and lodging one prisoner, fifty cents per mile, and for each additional prisoner, twenty-five cents per mile.

When delivered under the influence of liquor—commissioner's duty.

SEC. 12. Whenever a sheriff or deputy sheriff shall deliver to the commissioner a prisoner or prisoners, who shall be under the influence of spirituous liquors at the time of such delivery, said commissioner shall state in his receipt to the sheriff or deputy sheriff the condition in which such prisoner or prisoners were delivered, and he shall, in such case, make a duplicate receipt and send the same to the clerk of the circuit court, where the conviction and sentence of such prisoner or prisoners were had, who shall file the same in his office.

Chaplain.

SEC. 13. The chaplain shall hold divine service in the chapel of the prison at least once on each sabbath, instruct

the prisoners in their moral and religious duties, and visit the sick on all suitable occasions.

Illness of convicts.

SEC. 14. Whenever any convict shall complain of any such illness as requires medical aid, the warden shall employ some physician who shall visit such convict, and if in the opinion of such physician the illness is such as require his removal to the hospital, the warden may order such removal and the convict shall remain in the hospital until the physician shall determine that he may leave it without injury to his health.

Commissioner's bond.

SEC. 15. Before the commissioner enters upon the duties of his office he shall give a bond to the state of Wisconsin in the sum of twenty thousand dollars, with two or more sufficient sureties to be approved by the governor, conditioned that he will faithfully account for all moneys placed in his hands as prison treasurer, and perform all the duties incumbent on him as commissioner and warden of the prison; he shall also before entering on the duties of his office take and subscribe an oath to support the constitution of the United States, and of the state of Wisconsin, and that he will discharge the duties of his office faithfully and to the best of his ability, and such bonds with the approval of the governor endorsed thereon, and the oath aforesaid, shall be filed in the office of the secretary of state.

Bonds of deputy warden and clerk.

SEC. 16. Before the deputy warden and clerk enters upon the duties of his office, he shall give bonds to the state of Wisconsin in the sum of ten thousand dollars, with two or more sufficient sureties, to be approved by the governor, conditioned that he will faithfully perform all the duties incumbent on him as deputy warden and clerk of the said prison, and such bond when so approved shall be filed in the office of the secretary of state.

Contracts—how made.

SEC. 17. All contracts made on the part of the state by the commissioner on account of the prison, shall be made in writing, and approved by the governor before taking effect, unless when the wants or necessities of the prison shall compel the commissioner to purchase supplies of any kind immediately, in which case he may purchase the same upon verbal agreement, and in either case the commissioner or his successor may sue or be sued thereon to final judgment and execution. No suit shall abate by reason of the office of commissioner becoming vacant, but any successor of the commissioner, pending such suit, may take upon himself the prosecution or defense thereof,

and upon the motion of the adverse party and notice he shall be required so to do.

Controversies respecting contracts—how settled.

SEC. 18. Whenever a controversy shall arise respecting any contract made by the commissioner, on account of the prison, or a suit shall be pending thereon, the commissioner may submit the same to the final determination of arbitrators or referees, to be appointed by the governor.

Contracts.

SEC. 19. Whenever the commissioner shall determine to contract for the furnishing of the principal articles purchased for the use of the prison, such as food, fuel, stone, iron and steel, the same shall be contracted for by the year, when such contracts can be advantageously made; and the commissioner shall give previous notice in at least two newspapers printed in the state of Wisconsin, of the articles wanted, the quantity and quality thereof, as nearly as the same can be ascertained, the time and manner of delivery, and the period during which proposals for furnishing such articles will be received. Such notice shall be published at least three successive weeks.

Proposals.

SEC. 20. All such proposals shall be in writing, and sealed up, and on the day appointed in the notice mentioned in the forgoing section, they shall be opened by the commissioner, who shall cause all offers made in such proposals to be entered in a book and compared. The person offering the best terms, together with satisfactory security for the performance, which shall be required by the commisioner in said notice, shall be entitled to the contract, unless it shall appear to the commissioner that no one of the offers are as low as the fair market price; in that case no offer shall be accepted, but the commissioner may, if he thinks necessary, advertise again and proceed as before provided for.

Contractor's bond.

SEC. 21. All persons contracting under the provisions of the preceding sections, shall give bonds to the commissioner in a reasonable sum, with satisfactory security, for the faithful performance of their contracts.

Bills of supplies to be compared.

SEC. 22. The commissioner shall take bills of the quantity and price of the supplies furnished in all cases where the same is practicable, at the time of their delivery, and the clerk, or such officer as the clerk shall direct shall compare the bill with the articles delivered, and if the same are found correct, he shall make a corresponding entry on the account books of the prison, and file the bill as a voucher of the fact of such delivery. If any bill so rendered for supplies shall be discovered to be incorrect.

on comparing it with the articles delivered, the clerk shall immediately give notice to the person furnishing the supplies.

SEC. 23. All processes to be served within the precincts of the prison, either upon convicts or upon persons or officers employed within the precincts of the prison, shall be served by the commissioner or deputy warden; and all officers of the prison shall be exempt from military duty, from serving on juries in any court, and from highway poll tax. Processes—how served.

SEC. 24. All convicts in the prison shall be in the charge and custody of the commissioner, who shall govern and employ them in the manner prescribed by law, the rules and regulations of the prison, and in conformity to the respective sentences under which they shall be committed. Government of prisoners.

SEC. 25. All officers and persons employed in and about the prison, shall perform such duties in the charge and oversight of the prison, the care of the property belonging thereunto, and the custody, government, discipline and employment of the convicts, as shall be required of them by the commissioner in conformity to law, and the rules and regulations of the prison. Officers—duties.

SEC. 26. The warden shall receive into the state prison all persons convicted before any court of the United States held within the state of Wisconsin, and sentenced by such court to the punishment of imprisonment at hard labor in the said prison, and he shall safely keep and employ such convicts pursuant to their sentence, and the rules and regulations of the prison, until such sentence shall be performed, or the said convicts shall be otherwise discharged by due course of law of the United States. Warden—duties.

SEC. 27. Whenever any convict, sentenced by any court of this state or the United States, to be punished by imprisonment in the state prison, shall, at the time of conviction and sentence, hold any office under the constitution and laws of this state, such office shall be deemed vacated from the time of his commitment to said prison, but if the judgment against such convict shall be reversed on writ of error, he shall be restored to his office, with all its rights and emoluments; but if pardoned, he shall not, by reason thereof be restored, unless it shall be so expressly ordered by the terms of pardon. Convicts.

SEC. 28. Every convict against whom the punishment of solitary imprisonment shall be awarded by sentence of court, or for violation of any of the rules and regulations Violation of rules.

of the prison, shall be confined in one of the solitary cells, and during such confinement shall be fed on bread and water only, unless a physician called upon to ascertain the fact, shall certify to the warden that the health of such convict requires other diet.

Convict sentenced to hard labor.

SEC. 29. All convicts sentenced to the punishment of hard labor in the said prison, shall be constantly employed for the benefit of the state; no communication shall be allowed between them and any person without the prison; they shall be confined in separate cells in the night time, and in the day time all intercourse between them shall be as far as is practicable prevented.

Attempting to escape.

SEC. 30. If any convict committed to the state prison, under sentence for a limited time, shall escape therefrom, or shall attempt by violence to escape, or shall assault the commissioner or other officer or person employed in the government or custody of said prison, he shall be punished by imprisonment in said prison, not more than ten years in addition to his former sentence, and also by solitary imprisonment not more than one year, to be executed forthwith, or at such time or times either before or after the expiration of any former sentence, as the circuit court of Dodge county shall direct.

Escape.

SEC. 31. If any convict in the state prison under sentence of imprisonment for life, shall escape therefrom, or shall attempt by violence to escape, or shall commit any such assault as is mentioned in the preceding section, he shall be punished by solitary imprisonment not more than one year, to be executed at such time or times as the circuit court shall direct.

Officers aiding convict to escape.

SEC. 32. If any officer or other person employed in the state prison shall voluntarily suffer any convict therein to escape, or shall in any way consent to such escape, he shall be punished by imprisonment in the state prison not more than twenty years.

Employment of prisoners.

SEC. 33. If the commissioner of the prison shall at any time deem it for the interest of the state, he may employ the convicts outside the prison or yard, in quarrying and getting stone and cultivating the prison farm, when the same came can be done with safety as regards the security of the convicts from escape, and in all such cases the commissioner shall detail a sufficient force of the prison police, to watch and guard the convicts when so employed.

Officers violating rules, &c.

SEC. 34. If any officer or person employed in the state prison, shall suffer any convict under sentence of solitary

confinement to be at large or out of the cell assigned him, or shall suffer any convict confined in said prison to be at large, except in accordance with the provisions of this act, or allow said convicts to be visited, conversed with, or in any manner to be relieved or comforted, contrary to the regulations of the prison, he shall be punished by fine not exceeding five hundred dollars.

Punishment for aiding to escape.

SEC 35. Every person who shall convey into the state prison any disguise, instrument, tool, weapon, or thing, adapted or useful to aid any convict in making his escape therefrom, with intent to faciliate the escape of any convict there lawfully committed or detained, or who shall by any means aid any convict in his endeavor or escape, whether such escape be effected or not, and every person who shall forcibly or fraudulently rescue or attempt to rescue any convict held in custody by any officer or other person, shall refuse to assist in securing any convict when attempting to escape from an officer or from prison, shall be punished by imprisonment in the said prison not more than ten years, or by fine not exceeding five hundred dollars.

Delivering articles to prisoners contrary to rules, &c.

SEC. 36. If any officer or other person shall deliver or procure to be delivered, or shall have in his or her possession with intent to deliver to any convict confined in the state prison, or shall deposit or conceal in or about said prison or the dependencies thereof, or in any carriage or other vehicle going into the premises belonging to said prison, any article or thing whatever, with intent that any convict confined in said prison should obtain or receive the same, or if any officer or other person shall receive from any convict any article or thing whatever with intent to convey the same out of said prison contrary to the rules and regulations of said prison, and without the knowledge or permission of the warden or commissioner of the prison, every such person shall be punished by imprisonment in the state prison or in the county jail not more than two years, or by fine not exceeding five hundred dollars.

Circuit court of Dodge co. to have jurisdiction, &c.

SEC. 37. The circuit court of Dodge county shall have jurisdiction of all crimes and offenses committed within the state prison and the precincts thereof, and for the purpose of all judicial proceedings, the said prison and the precincts thereof, shall be deemed in law to be within and part of the county of Dodge. The daily sustenance of convicts not in solitary confinement, nor in the hospital,

shall consist of healthy, coarse food, with such proportion of meat and vegetables as the commissioner shall deem best for the health of the convicts.

Articles forbidden convicts.

SEC. 38. No tea, sugar, coffee, tobacco, snuff, spirituous liquors, or any articles of indulgence, shall be allowed any convict, except by order of the physician, which order shall be in writing, and for a definite period, not exceeding one month.

Clothing and bedding.

SEC. 39. The clothing and bedding of convicts shall be of such quality and quantity as the judgment of the commissioner may direct, consulting the health and comfort of the convict, and the interest of the state.

Commissioner—duties.

SEC. 40. All necessary means shall be used, under the direction of the commissioner, to maintain order in the prison, enforce obedience, suppress insurrection, and effectually prevent escapes, even at the hazard of life, for which purpose he may at all times command the aid of all the officers of the institution, and of all the citizens outside the precincts of the prison; and any citizen refusing to obey such command shall be held liable to such fines, penalties or forfeitures as apply to persons refusing to obey a sheriff or any other officer calling upon the aid of the county to assist in serving a process for quelling insurrection.

Governor to visit prison.

SEC. 41. The governor shall visit the prison, once at least in each year, and make such suggestions in regard to the management, government and discipline of the institution as he may deem for the interest of the same.

New bond.

SEC. 42. Whenever the governor shall deem it necessary he may require the commissioner to file new bonds, with satisfactory security, in a larger sum than that specified in section 15 of this act, subject to the approval of the governor; but such new bond shall not be larger than the necessities of the case may require.

Officers of prison.

SEC. 43. The commissioner shall require of the officers of the prison, that in the execution of their respective duties, they shall in all cases refrain from boisterous, harsh and unbecoming language, in giving their orders and commands.

Warden—duties.

SEC. 44. The warden shall prevent all communications between male and female convicts.

To guard against escape of convicts.

SEC. 45. The commissioner may adopt such measures as he may deem proper to aid in detecting and capturing escaped convicts.

SEC. 46. The money and effects, except the clothes in possession of such convict when committed to the state prison, shall be preserved by the warden, and restored to said convict when discharged or pardoned, unless otherwise ordered by the judge of the circuit court of Dodge county. Money, &c. of convicts.

SEC. 47. Every convict when discharged or pardoned, shall be provided with a decent suit of clothes and a sum of money not exceeding five dollars. When discharged, &c.

SEC. 48. It shall be the duty of the warden in case of the death of any convict, to cause the body to be decently buried, or deliver it to the friends or relatives of such convict, if demanded by them, and if not so demanded, then to the representatives of any medical college in this state. In case of death.

SEC. 49. Upon the filing of proper and reliable information with the governor, made upon oath, that the commissioner has been guilty of malfeasance, or misconduct in office, the governor shall cause to come before him on his warrant, said commissioner, on a day certain, to answer to the charge or charges contained in such information, and also the person or persons who have filed the same, together with such person or persons as may be designated by the informant or the commissioner, at any time during the pendency of the question involved in such information, to give evidence on a hearing of the charge or charges preferred. The governor shall proceed, as soon as may be, to hear and determine the charges upon evidence given under oath: and if such malfeasance and misconduct is substantially proved upon the commissioner, the governor may decide to remove him; which decision, together with the reason therefor, shall be written out at length, and shall be filed in the office of the secretary of state. In case of malfeasance of commissioner—duty of governor.

SEC. 50. The commissioner shall have power to do and perform any of the duties herein named. Power of commissioner.

SEC. 51. The warden shall act as librarian, and shall report to the governor, on the 31st day of December, in each year, the condition of the library and the number and title of all the books therein contained; such report to be communicated to the legislature next session. Librarian—duties.

SEC. 52. The warden shall make an inventory of all property belonging to the prison, annually, on the 31st day of December, and report the same to the governor as required in the preceding section. Warden—duties.

Repealed. SEC. 53. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SEC. 54. This act shall take effect from and after its publication.

Approved March 29, 1856.

CHAPTER 50.

Published June 13.

An Act to change the name of Adam Jopst to Adam Jefferson.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Change name. SECTION 1. The name of Adam Jopst is hereby changed to Adam Jefferson, by which name he shall be hereafter known in law for all purposes whatever.

SEC. 2. This act shall take effect from and after its passage.

Approved March 29, 1856.

CHAPTER 51.

Published May 9.

An Act to change the name of Thomas Wilson to Thomas Wheatly.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Change name. SECTION 1. The name of Thomas Wilson, of the county of Iowa, in this state, is hereby changed to Thomas Wheatly, by which name of Thomas Wheatly, he shall be and hereby is authorized to sue and made liable to be sued in the same manner as though his name had not been changed.

SEC. 2. This act shall take effect from and after its passage.

Approved, March 29, 1856.

CHAPTER 52.

Published June 20.

An Act to authorise the Secretary of State to audit the accounts of the Madison Gas Light and Coke Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the secretary of state to audit the accounts of the Madison Gas Light and Coke company for all gas consumed by the state, from and after the 19th day of July, A. D. 1855, and when such accounts are audited and allowed, they shall be paid by the state treasurer, on the order of the secretary of state, out of any money in the treasury, not otherwise appropriated; *Provided*, That no bill for gas shall be allowed by the secretary of state, for any lamps outside of the capital building during the adjournment of the legislature.

Secretary of state to audit accounts.

Proviso.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 29, 1856.

CHAPTER 53.

Published June 24.

An Act to authorise the Secretary of State to employ and pay clerks for the actual and necessary discharge of the duties of his office.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be annually appropriated to the Secretary of State, such sum as shall be actually and necessarily expended in his office for clerk hire. The sum drawn for such clerk hire shall be drawn on the certificate of the Secretary of State, in favor of the clerks entitled to the same respectively, and the amount of such cer-

Secretary of state to employ and pay necessary clerks.

tificate, and the name in whose favor the same is drawn, with a detailed statement of the particular services rendered by the clerk or clerks, verified by the affidavit of the Secretary, shall be set forth in the annual reports of the Secretary of State and State treasurer.

Approved March 29, 1856.

CHAPTER 54.

Published May 9.

An Act to divide the county of Portage and erect the county of Wood.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Boundaries of Wood county.

SECTION 1. Towns twenty one, twenty two, twenty-three, twenty-four and twenty-five of ranges two, three, four and five, and towns twenty-one and twenty two of range six east of the fourth meridian, and so much of town twenty-three as lies south-east of the Wisconsin river, in range six, are hereby detached from the county of Portage, and shall hereafter constitute a separate county under the name and title of Wood.

Rights, privileges, &c.

SEC. 2. That said county of Wood is hereby erected, established and organized with all the rights, powers and privileges by law granted to other counties of this state and subject to all general laws established for county government.

Election of officers.

SEC. 3. That at the next general annual election, the electors in said county shall elect all and every of the county officers provided by law for county government, whose term of office shall commence on the first Monday of January next, and shall continue for two years thereafter.

County seat.

SEC. 4. The present village of Grand Rapids is hereby constituted and declared the county seat of said county of Wood, and the said county of Wood is hereby attached to the seventh judicial circuit for judicial purposes, and the circuit court of the seventh judicial circuit of the state of Wisconsin shall hold its session at said county

seat of Wood, commencing on the fourth Monday of April and third Monday of October, in each year, the first term to be held on the fourth Monday of April, 1857.

SEC. 5. The liabilities or indebtedness of the present county of Portage shall be paid, satisfied and discharged rateably by said county of Portage and county of Wood, according to the last assessment of Portage county. Indebtedness—how paid.

SEC. 6. All process, appeals, recognizances, and other legal proceedings commenced or pending in the circuit court for the county of Portage, prior to the first Monday of June next, shall be prosecuted to final judgment therein, in the same manner they might have been, had this act not have been passed. Processes, &c. pending.

SEC. 7. All writs, process, appeals, recognizance and other legal proceedings taken, had or commenced on or after the first day of January next, in said county of Wood, shall be made returnable in the said county of Wood. Writs, &c.

SEC. 8. The counties of Portage and Wood shall, at the first session of the boards of county supervisors in the respective counties, each appoint three commissioners to meet at the village of Plover, in the said county of Portage, within thirty days after their appointment by said boards of county supervisors, to examine into the indebtedness of the said county of Portage, at the time of the division of said county, and also to determine the amount of indebtedness, if any, of the said county of Wood, to the county of Portage, or of the indebtedness of the said county of Portage to the county of Wood, the ratio of indebtedness, to be determined by the amount of taxes paid into the office of the county treasury, by the inhabitants of the respective counties. Commissioner to determine indebtedness.

SEC. 9. The boundaries of Portage County are hereby defined and established as follows, to wit: Commencing at the south-west corner of town twenty-one, in range seven, east of the fourth principal meridian, thence east, to the south-east corner of town twenty-one, in range ten, east of the fourth principal meridian, thence north, to the north-east corner of town twenty-five, range ten, east of the fourth principal meridian, thence west, to the north-west corner of town twenty-five, range seven, east of the fourth principal meridian, thence south, to the south-west corner of town twenty-three, in range seven, east of the fourth principal meridian, thence east, on the line between towns twenty-two and twenty-three, to the Wisconsin Boundaries of Portage co.

river, thence up the center of the main channel of said river, to the line between town twenty-three, in ranges six and seven, east of said principal meridian, thence south to the point of beginning.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved March 29, 1856.

CHAPTER 55.

Published April 14.

An Act to amend an act entitled an act to limit the rate of interest, approved March 10, 1851.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment to act limiting rate of interest

SECTION 1. All bonds, bills, notes, assurances, conveyances, and all other contracts or securities whatever, whereby there is reserved or secured a rate of interest exceeding twelve per cent. shall be valid and effectual to secure the repayment of the principal sum loaned, but no interest shall be recovered on such securities or on any money or other thing loaned by such contract.

SEC. 2. Whenever any person shall apply to any court in this state to be relieved in case of a usurious contract or security, or when any person shall set up the plea of usury in any action or suit instituted against him, such person to be entitled to such relief or the benefit of such plea shall prove a tender of the principal sum of money or thing loaned to the party entitled to receive the same.

Repealed.

SEC. 3. Sections 4, 6 and 8 of an act entitled "an act to limit the rate of interest," approved March 10, 1851, so far as said sections are inconsistent with the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 29, 1856.

CHAPTER 56.

Published May 9.

An Act to provide for defraying the contingent expenses of the State for the present year.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of defraying the contingent expenses of the state for the present year, and of the several state officers, including stationery, lights, furniture and all other contingent expenses of the state, and of the several state officers, the sum of five thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to be drawn from the treasury by and expended under the direction of the governor, as the exigences of the public service may require, and it is hereby made the duty of the governor to cause to be transmitted to the legislature at its next session, a detailed statement of the expenditure of this appropriation. Contingent fund.

SEC. 2. This act shall be in force and take effect from and after its passage.

Approved March 29, 1856.

CHAPTER 57.

Published June 13.

n Act to change the name of Frank Edward Sherman to Frank Edward Bontello.

The people of the State of Wisconsin, represented in nate and Assembly, do enact as follows:

SECTION 1. The name of Frank Edward Sherman is reby changed to Frank Edward Bontello, by which me he shall be hereafter known and recognized for all rposes whatever. Name changed.

SEC. 2. The said Frank Edward Sherman is hereby constituted the heir-at-law of Robert Bontello, and Mary Bontello his wife.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1856.

CHAPTER 58.

Published June 21.

An Act to change the name of Emanuel Slade to Wm. E. Slade.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name changed. SECTION 1. The name of Emanuel Slade, of the town of Eagle, and county of Waukesha, is hereby changed to William E. Slade.

To record this act. SEC. 2. It shall be the duty of the said Slade to cause this act to be recorded in the office of the register of deeds of the county of Waukesha.

SEC. 3. This act shall take effect and be in force after it is passed and recorded as provided in section two.

Approved March 31, 1856.

CHAPTER 59.

Published July 9.

An Act to change the name of Fred Elias Webster to Fred Elias Teetshorn and constitute him the adopted son and heir of Horatio N. Teetshorn.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name changed. SECTION 1. The name of Fred Elias Webster, of the county of Walworth, is hereby changed to Fred Elias Teetshorn, and by the last mentioned name he shall hereafter be known and recognized.

SEC. 2. The said Fred Elias Teetshorn is hereby constituted the adopted son and heir-at-law of Horatio N. Teetshorn and his wife, of the county aforesaid, and shall be entitled to all the rights and privileges, and subject to all the duties and obligations which pertain between natural parents and child. Heir-at-law.

SEC. 3. This act shall take effect and be in force whenever the said Horatio N. Teetshorn and his wife, with the natural mother of the said Fred Elias shall assent thereto in writing under their hands and seals, and record the same in the office of the register of deeds in the county of Walworth. When to take effect.

Approved March 31, 1856.

CHAPTER 60.

Published June 26.

An Act to change the name of Henriette Selsemeier to Henriette Kirchheck.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Henriette Selsemeier, daughter of Charles Selsemeier and Fredericka Kirchheck, formerly Selsemeier, of the town of Herman, in the county of Sheboygan, is hereby changed to that of Henriette Kirchheck, and by the last mentioned name she shall be hereafter known and recognized. Name changed.

SEC. 2. The said Henriette Kirchheck shall be the adopted daughter and heir-at-law of Willhelm Kirchheck and Fredericka Kirchheck, of said town of Herman, and be entitled to all the rights and privileges of inheritance, support and maintenance, as fully and in the same manner, as if she were the legitimate child of the said Willhelm and Fredericka Kirchheck. Made heir-at-law, &c.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1856.

CHAPTER 61.

Published May 12.

An Act to change the name of George R. Rockwell and Martha H. Percel to those of George R. Nulph and Martha H. Nulph.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Names changed. SECTION 1. The names of George R. Rockwell and Martha H. Percel of the town of New Buffalo, in the county of Sauk, are hereby changed to those of George R. Nulph and Martha H. Nulph, and by that last mentioned names they shall hereafter be known and recognized.

Made heirs, &c. SEC. 2. The said George R. Nulph and Martha H. Nulph shall be known as the adopted son and daughter, and heirs-at-law of Moses Nulph and his wife, of said town of New Buffalo, Sauk county, and mutually entitled to all the rights and privileges, and subject to all the duties of inheritance, support and maintenance, as fully and effectually, and in the same manner as they might or should be if they were the legitimate children of Moses Nulph and his wife.

Take effect. SEC. 3. This act shall take effect as soon after its passage as the said Moses Nulph and wife shall file in the office of the county judge of the county of Sauk, their written consent to the provisions of this act.

Approved March 31, 1856.

CHAPTER 62.

Published May 12.

An Act to change the name of Frederick Delmot Gregory to Frederick Johnson.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name changed SECTION 1. The name of Frederick Delmot Gregory is hereby changed to Frederick Johnson, by which name

the said person shall be called and known to all legal intents and purposes.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1856.

CHAPTER 63.

Published May 12.

An Act to change the name of Isabella Mary Maynard to Isabella Mary Rollin, and that the same may be made the heir-at-law of Thomas H. Rollin.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. That the name of Isabella Mary Maynard, of the village of Berlin, in the county of Marquette, in said state, be and the same is hereby changed to Isabella Mary Rollin, by which name the same individual shall and may hereafter be known in all places whatever. Name changed

SEC. 2. And that the said Isabella Mary Rollin be and is hereby made and constituted heir-at-law of and to the said Thomas H. Rollin. Heir-at-law.

Approved March 31, 1856.

CHAPTER 64.

Published May 12.

An Act to change the name of Philipp Albert to Philipp Hess, and make him heir-at-law of John Hess.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Philipp Albert, of the city of Milwaukee, and county of Milwaukee, is hereby changed to Philipp Hess, and by that name he shall be hereafter known and recognized in law for all purposes whatever. Name changed

Heir.

SEC. 2. The said Philipp Hess shall be known as the adopted son and heir of John Hess, of said city of Milwaukee, and shall be entitled to all the rights and privileges, and subject to all the duties of inheritance, support and maintenance, as fully and effectually, and in the same manner as he might or would be if he were the legitimate child of said John Hess.

Take effect.

SEC. 3. This act shall not take effect or be in force until the said John Hess shall assent thereto in writing, under his hand and seal, and record the same in the office of the register of deeds, in and for the county of Milwaukee.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 31, 1856.

CHAPTER 65.

Published May 12.

An Act to change the name of Frederick Perry to Frederick Judivine.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name changed.

SECTION 1. The name of Frederick Perry, of the town of West Point, Columbia county, is hereby changed to Frederick Judivine, and by that name he shall hereafter be known in all courts and places, and shall be the heir-at-law of Josiah Judivine, of said town of West Point, from and after the time when said Josiah Judivine shall file in the office of the county judge of Columbia county, his consent in writing, to the provisions of this act.

SEC. 2. This act shall take effect from and after its passage.

Approved March 31, 1856.

CHAPTER 66.

Published May 13.

An Act to change the name of Joseph Prinney to Joseph Johnson.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the name of Joseph Prinney shall hereafter be Joseph Johnson, by which name the said person shall be called and known to all legal intents and purposes. Name changed

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1856.

CHAPTER 67.

Published May 12.

An Act to change the names of the persons therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Jacob E. Lewy, is hereby changed to Jacob E. Louis, and that of Rosa Lewy, his wife, to Rosa Louis, also the names of their children, Mathilda Lewy, William Lewy and Clara Lewy, are hereby respectively changed to Mathilda Louis, William Louis, and Clara Louis, by which names said persons shall hereafter, respectively, be known and recognized. Name changed

SEC. 2 This act shall take effect and be in force from and after its passage.

Approved March 31, 1856.

CHAPTER 68.

Published May 13.

An Act to change the name of certain persons therin named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name changed

SECTION 1. The names of Frederick Joseph Hoffman, Matthew John Hoffman and Christine Leonore Hoffman, of the city of Milwaukee, in the county of Milwaukee, are hereby changed respectively to Frederick Joseph Becker, Matthew John Becker and Christine Leonore Becker, and by the last mentioned names they shall respectively hereafter be known and recognized.

SEC. 2. This act shall take effect from and after its passage.

Approved March 31, 1856.

CHAPTER 69.

Published May 13.

An Act to authorize the Secretary of State to audit certain accounts for Newspapers.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Secretary of state to audit accounts for newspapers furnished.

SECTION. 1. The secretary of state or assistant secretary of state is hereby authorized and required to audit the accounts of the several newspaper publishers of this state, for newspapers furnished the assembly during the present session, and to settle such accounts, allowing said publishers at the advertised rates of such papers per year for the time such papers were furnished.

Legislature.

SEC. 2. Such accounts shall be verified by oath of such publishers, that the papers were ordered, either by the clerk of the senate, [assembly] or the persons to whom they were

sent, and furnished, accompanied by a statement of the yearly terms of such papers.

SEC. 3. The secretary of state or assistant secretary of state, is authorized to draw warrants on the state treasury in favor of the respective publishers, for the amounts found due them, and there is hereby appropriated out of any moneys in the state treasury, a sum sufficient to meet said drafts. Warrants.

Approved March 31, 1856.

CHAPTER 70.

Published May 13.

An Act to authorize the Secretary of State to audit a certain account.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The secretary of state is hereby authorized to audit and allow the account of George F. C. Steche for his services as mail porter of the several state departments during the present session of the legislature, and to draw orders on the state treasurer for the amount found due to him; and there is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, a sum sufficient to meet said drafts. Secretary of state to audit a certain account.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1856.

CHAPTER 71.

Published April 1.

An Act for the revision of the General Laws of the State of Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Governor to appoint revisors of general laws.

SECTION 1. The governor shall, without delay, after the passage of this act, appoint three competent persons as revisors, whose duty it shall be to collect, compile, and digest the general laws of this state for the purpose of preparing a new edition of such laws for publication, and that said revisors report such compilation to the adjourned session of this legislature, the present year, and said revisors shall accompany their report with such proposed amendments as they may think proper to suggest.

Duty of revisors.

SEC. 2. It shall also be the duty of said revisors to prepare a code of practice and pleading for the government of civil actions in this state, which code shall conform as nearly to the code now in use in the State of New York as the constitution of this state and the organization of its judiciary will permit, and said revisors shall likewise report such code of procedure to the legislature at the time prescribed in the foregoing section.

Substitution.

SEC. 3. Should either of said revisors refuse to act or become incapable of acting through sickness or other cause, it shall be the duty of the governor to appoint some suitable person in his stead, but no person so appointed shall be removed by the governor.

Compensation.

SEC. 4. Said revisors shall receive such compensation for their services, not less than $2 50 per day, as the legislature may see proper to allow.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 31, 1856.

CHAPTER 72.

Published May 13.

An Act to change the name of George Smith to George W. Smith, and to authorize his adoption as the child and lawful heir of Adam Smith and Harriett Smith.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That George Smith of the town of Henderson, in the county of Jefferson, and state of New York, be and he is hereby constituted the adopted son and heir-at-law of Adam Smith and Harriett Smith, of the town of Farmington, in the county of Jefferson, and state of Wisconsin, and he shall be entitled to all the rights and privileges of support, education and inheritance as fully and effectually and in the same manner as he might or should be if he were the legitimate child of the said Adam Smith and Harriett Smith. **Heir-at-law.**

SEC. 2. The name of the said George Smith is hereby changed to George L. Smith, and by the name last aforesaid, may and shall be hereafter known and called in all cases and proceedings whatsoever. **Name changed**

SEC. 3. This act shall take effect from and after its passage: *Provided*, That the said Adam Smith and Harriett Smith shall file in the office of the secretary of state their written assent under their hands and seals to the provisions of this act, and this act shall go into effect from and after the filing of such written assent as aforesaid. **When to take effect.**

Approved March 31, 1856.

CHAPTER 79.

Published May 12.

An Act to prevent the obstruction of the navigation of the Wisconsin river and its tributaries.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To prevent obstruction of Wisconsin river.

SECTION 1. It shall not be lawful for any owner of a saw mill or saw mills on the Wisconsin river, or any of its tributaries, or any other person to throw or permit or suffer to be thrown into said river or any of its tributaries, any slab or slabs or other substances, which may obstruct or hinder the navigation of said river, from or near said mill or mills.

Fine for violating act.

SEC. 2. Any person or persons who shall be convicted of a violation of the provisions of the foregoing section, shall be deemed guilty of a misdemeanor, and shall pay a fine of five dollars, for throwing any slab or other substances which may impede or obstruct the navigation of said river, together with the costs of prosecution.

SEC. 3. Whenever any mill owner shall have been fined for the violation of section one of this act, by any agent or work man of said mill owner, said mill owner may charge said fine to said agent or workman, and may collect the same in the same manner that any other debt may now be collected by law: *Provided*, That said workman or agent shall have thrown the slab or slabs, or other substances into said river or its tributaries without the order of said mill owners.

Proviso.

Prosecutions.

SEC. 4. It shall be the duty of the district attorney of the county in which any violation of this act shall take place, to prosecute for all such violations whenever information of the commission of any such misdemeanor shall come to his knowledge.

Fines.

SEC. 5. All fines accruing under this act may be recovered by an action of debt against the party offending, by warrant on a proper affidavit duly sworn to and filed, setting forth the commission of the offence, as in cases of other misdemeanors and shall be paid into the treasury of the county for the use of said county.

SEC. 6. This act shall take effect and be in force from and after its publication.

Approved March 31, 1856.

CHAPTER 74.

Published May 14.

An Act for the encouragement and promotion of Agriculture.

2.57 n. 46. 51 58. 9

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for any number of persons in any county in this state, to associate together and form a county society, to encourage and promote agriculture, domestic manufactures and the mechanic arts therein, and any such society, when organized according to the provisions of this act, shall have all the power of a corporation or body politic, and may sue and be sued, implead and be impleaded, prosecute and defend to final judgment and execution, in any court of law or equity; and may purchase and hold all the real and personal estate which shall be necessary to best promote the object of such association, and which estate shall be exclusively devoted to such object. **To form agricultural societies.**

SEC. 2. Such societies shall be formed by written articles of association, subscribed by the members thereof, specifying the objects of the society, and the conditions on which subscribers shall become members thereof, and the first meeting shall be notified and held in the manner prescribed in the articles of association. They may adopt a corporate name, either in the original articles of association, or by vote at the first meeting thereof, in which such society shall be organized, and may at any meeting adopt a corporate seal and alter the same at pleasure. **Societies—how formed.**

SEC. 3. Such societies, not exceeding one in each county, shall be organized by appointing a president, vice president, secretary and treasurer, and such other officers as they may deem proper, to be chosen annually, and to hold their places until others are appointed. **Officers.**

When formed may adopt by-laws, &c.

SEC. 4. When any such societies are organized as aforesaid, they shall have power to adopt all such by-laws, rules and regulations as they shall judge necessary and expedient to promote the objects thereof, not inconsistent with the constitution and laws of this state.

Record of proceedings.

SEC. 5. It shall be the duty of the secretary of every such society, to keep correct records of all the proceedings of the same, in a book provided for that purpose, and such records may be read in evidence in any court where the interests of such society is concerned.

Annual payment by state treasurer.

SEC. 6. When it shall be made to appear to the satisfaction of the secretary of state that any such society is duly organized in any county according to the provisions of this act, it shall be the duty of the said secretary of state to issue an order to the state treasurer to pay annually to the treasurer of any such society so organized, as aforesaid, on application made therefor, the sum of one hundred dollars; *Provided, nevertheless*, That no such society shall draw any money out of the treasury of this state, as aforesaid, in any year, until it shall also be further made to appear to the satisfaction of the treasurer thereof, that there shall have been subscribed and paid into the treasury of such society, for the sole use and benefit thereof, for the year in question, a sum not less than one hundred dollars.

Proviso.

Premiums.

SEC. 7. All moneys so subscribed or received from the state as aforesaid, shall, after paying the necessary incidental expenses of such societies respectively, be annually paid out for premiums awarded by such societies, in such sums and in such way and manner as they severally, under their by-laws, rules and regulations, shall direct, on such live animals, articles of production and agricultural implements and tools, domestic manufactures, mechanical improvements and productions as are of the growth and manufacture of the county, and also all such experiments and discoveries, or attainments in scientific or practical agriculture as are made within the county where such societies are respectively organized.

Annual statement.

SEC. 8. Each county agricultural society, entitled to receive money from the state treasury, shall, through its treasurer, transmit to the treasurer of the state, in the month of November, annually, a statement of the money so received from the state, together with the amount received from the members of said society for the preceding

year, a statement of the expenditures of all such sums, and the number of the members of said society.

SEC. 9. Each county agricultural society receiving money from the state as aforesaid, shall publish, in the month of January in each year, at their own expense, a statement of the experiments and improvements, and reports of their committees, in one or more newspapers in the county where such society is located, or in an adjoining county, where no paper is published in the county where such society is located, and evidence that the requirements of this act have been complied with, shall be furnished to the state treasury before he shall pay over to any county society the sum appropriated by the state for the benefit of said society. To publish statement of improvements &c. annually.

SEC. 10. Live animals, the growth of any foreign state or county, which have been owned and kept in any county in this state, for the term of six months previous to its annual agricultural fair, are hereby placed on the same footing, and may receive the same premiums thereon, as live animals which are the growth of such county. Animals admitted to fair.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 31, 1856.

CHAPTER 75.

Published, in Extra, April 16.

An Act in relation to non-resident Guardians.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all cases when any guardian and his ward may both be non-residents of this state, and such ward may be entitled to personal property of any description in this state, such guardian on producing satisfactory proof to the county court of the proper county by certificates, according to the act of congress in such cases, that he has been duly appointed, and has, as guardian, given bond and security, in the state in which he and his ward Concerning guardians.

reside, in double the amount of the value of the property, and it is found that a removal of the property will not conflict with the terms of limitation attending the right or title by which the ward owns or holds the same, then any guardian may demand or sue for, and remove any such property to the place of residence of himself and ward.

To comply with certain rules.

SEC. 2. That when such non resident guardian shall present an exemplified copy under the seal of the proper court in the state of his residence, of all the entries on record in relation to his appointment, giving bond, &c., and authenticated as required by the act of Congress aforesaid, the county court of the proper county in this state may make suitable orders, discharging any resident guardian, executor or administrator, and authorizing the delivery and passing over of such property to such non-resident guardian, and also requiring receipts to be passed and filed, if deemed advisable; *Provided*, That in all cases, thirty days' notice shall be given to the resident guardian, executor or administrator of the intended application for the order of removal, and the court may reject the application, and refuse such order whenever it is satisfied it is for the interest of the ward that such removal shall not take place.

Proviso.

SEC. 3. This act shall take effect from and after its passage.

Approved March 31, 1856.

CHAPTER 76.

Published May 14.

An Act in relation to Booms on the Wisconsin River.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Booms to be constructed with a draw.

SECTION 1. All booms which now are or which may hereafter be erected or constructed on the Wisconsin river, in this state, shall be constructed with a draw or passage way so as to be readily opened, to admit the free passage of all logs, timber and other property through the same at some convenient and proper place in said boom.

SEC. 2. It shall be the duty of any person owning, occupying or using any boom on said river whenever any logs, timber, or other property not his or her own, shall pass into such boom, to open such draw or passage way and permit the same to pass out, without unnecessary delay, and if any such persons so owning, occupying or using any such boom shall refuse to open the same, or shall neglect for the space of twenty-four hours, after having been requested so to do, to open said boom and admit any such logs, timber or other property to pass out, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment, in the county jail, for a term not less than ten days nor more than three months, or by a fine of not less than twenty dollars nor more than one hundred dollars, and shall stand committed to jail, until such fine and all costs are paid. To pass logs, &c. through same.

SEC. 3. This act shall take effect and be in force from and after the first day of November next.

Approved March 31, 1856.

CHAPTER 77.

Published in Extra, April 16.

An Act concerning bail in cases of murder.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. That no officer other than a judge of the supreme court, or judge of the circuit court, or judge of the county court, shall hereafter be authorized to admit to bail any person charged with the crime of murder. Who shall admit to bail.

SEC. 2. The amount of penalty of the recognizance or bail bond shall be in such sum as in the opinion of the officer taking the same will secure the appearance of the accused for trial. The recognizance shall be signed by the accused and at least two sureties, who shall severally swear that they each own and possess unincumbered real estate, within this state, not exempt from sale on execution, to at least double in value the amount of the recog- Bail bond, &c.

CHAPTER 80.

Published June 25.

An Act to attach the County of Kewaunee to the Fourth Judicial Circuit, and to the County of Manitowoc, for Judicial purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Counties attached for judicial purposes

SECTION 1. The county of Kewaunee is hereby detached from the tenth judicial circuit, and attached to and made a part of the fourth judicial circuit of the state of Wisconsin.

SEC. 2. The said county of Kewaunee is hereby attached to the county of Manitowoc for judicial purposes.

Proceedings commenced.

SEC. 3. No proceedings commenced and pending in any of the courts of Brown county under existing laws, shall be affected by this act; but the same may be proceeded in to consummation and final judgment in the courts where the same are now pending.

When to take effect.

SEC. 4. This act shall take effect from and after the first day of June next and its publication, and the secretary of state shall forthwith transmit a copy of the same, duly certified, to each of the clerks of the circuit courts for the counties of Brown and Manitowoc.

Approved March 31, 1856.

CHAPTER 81.

Published, in Extra, April 16.

An Act making Clerks of the Circuit Court Clerks of the County Court for certain purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Composing clerks of courts

SECTION 1. The clerk of each of the circuit courts in this state, shall be the clerk of the county court, for the

purpose of certifying to copies and transcripts of all the records and files of said county court, to be used in any other state, agreeably to the act of congress of May 26, 1790; and in making such certificate he shall use the seal of said county court, and sign himself "clerk of the county court," and shall also have authority in such capacity to authenticate acknowledgements of all instruments taken by the judge of said county, and for such services the clerk shall receive the fee allowed by law for similar services.

SEC. 2. This act shall be in force from and after its passage.

Approved March 31, 1856.

CHAPTER 82.

Published June 18.

An Act to provide for the annual compensation of the State Treasurer, as depository of the Banking Securities.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The state treasurer shall receive a salary of six hundred dollars per annum, for his extra services for risk incurred in guarding and for the safe keeping of the state, school and university funds, and the banking securities entrusted to his care, to be paid out of the state treasury in the same manner as other state officers are paid. Additional compensation to state treasurer.

Approved March 31, 1856.

CHAPTER 83.

Published June 11.

An Act in relation to the writ of Scire Facias.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever an execution shall not have been returned within the time allowed by law, after the recovery Proceedings under writ of scire facias.

of any judgment, in any court of record within this state, the plaintiff, in any such judgment, may sue out a writ of *scire facias* to be issued out of the same court, ~~by which~~ the sheriff shall be commanded to summon the party against whom it issued, to appear before ~~such court~~, at a certain day, to show if he have anything to say, why such plaintiff ought not to have execution of such judgment; and if, after being duly summoned, he do not come at the day, or do come and say nothing why execution ought not to be had, an execution shall thereupon issue according to the force, form and effect of the said recovery.

To revive judgments.

SEC. 2. Writs of *scire facias* shall also be issued in the cases not otherwise provided by law, to revive a judgment against the personal representatives of any deceased defendants, or in favor of the personal representatives of any deceased plaintiff; or where the situation of either party is changed by marriage; or to continue a suit by or against the representatives of either party, who shall have died in the progress thereof. But such writs, against the personal representatives of any party, shall be issued within one year after the cause for issuing the same shall arise.

To revive, &c.

SEC. 3. Writs of *scire facias* may also be issued out of the circuit court, for any county, to revive a judgment recovered in the county court of the same county, in the cases and for the purposes provided in the preceding sections of this act: *Provided*, That writs of *scire facias* to revive any judgment, or recovery docketed before this act takes effect, shall be brought within ten years thereafter; and such writs, when brought to revive any judgment or recovery, docketed after this act takes effect, shall be brought within ten years after the time of docketing thereof; *And provided further*, That nothing in this act contained, shall be construed so as to conflict with any statute of this state now in force in relation to the revival of judgments or suits or proceedings; but all such statutes are continued in force, and proceedings may be had or taken, in pursuance therewith, with like effect as if this act had not been passed.

Proviso.

Proviso.

Writs—how and when issued.

SEC. 4. Writs of *scire facias* may be issued at any time in term time or vacation; shall be tested, signed and sealed as other writs and process issuing out of courts of record; shall describe the judgment, or suit or proceeding to be revived thereby; may be directed to and served by the sheriff of any county in this state, where the person or

persons against whom the same is issued, or any, or either of them, shall reside or may be found; shall be returnable in twenty days after service thereof, on all the persons named therein, if to be found in this state: And it shall be the duty of the sheriff to whom any such writ of *scire facias* may be directed, to endeavor to serve the same, notwithstanding any directions which he may receive to the contrary, from the plaintiff therein, or his attorney.

Serving same.

SEC. 5. Every such writ shall be served by delivering a copy thereof, certified by the officer delivering the same, to the party required to be summoned, or by leaving such copy at his dwelling house with any person of proper age. If issued against a corporation, it shall be served in the same manner provided by law for serving process upon corporations.

Returned.

SEC. 6. In all cases where the writ shall be returned duly served in the manner prescribed by the preceding section, the appearance of the person or corporation so summoned, shall be entered by the clerk as in other cases, and if no plea be filed within twenty days after such service, the plaintiff may enter the default of the person so summoned for want of a plea, and may forthwith, in term time or vacation, render a judgment reviving the said judgment for the amount thereof, according to the form and force of the said recovery.

When parties cannot be found, &c.

SEC. 7. If the sheriff return that any person who was required to be summoned by such writ, cannot be found, and has no place of residence within his county, the court shall, after the filing of the *scire facias*, direct a copy of such writ to be published in some newspaper printed and published in the county where such court shall be held, and in the state paper for six successive weeks, once in each week. And if such person shall not appear and plead to such *scire facias* within ten days after the last publication therof, the plaintiff shall be entitled, upon filing due proof of such publication, to enter appearance and default of such defendant, and judgment shall be rendered upon such default, in like manner as if the writ had been returned served; *Provided*, That in such case, the plaintiff or some one on his behalf, who can testify to the facts, shall make and file an affidavit of the amount then actually due upon such judgment, and judgment shall thereupon be rendered, reviving such judgment for the amount then actually due.

Proviso.

No declaration required.

SEC. 8. No declaration shall be required to be filed upon the *scire facias*; but where executors or administrators are plaintiffs in any such writ, they shall make profert of their letters testamentary or of administration, in the *scire facias*, in the same manner as is now practiced in a declaration. And the defendant shall plead to such writ in the same manner as to a declaration.

Trial and judgment.

SEC. 9. All issues, whether of law or of fact, joined upon any *scire facias*, shall be tried and judgment rendered thereon in the same manner as in personal actions.

SEC. 10. This act shall be published immediately after its passage, and shall be in force from and after such publication.

Approved March 31, 1856.

CHAPTER 84.

Published in Extra April 16.

An Act to provide for the manner of applying for pardons in cases of murder

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Manner of applying for pardons.

SECTION 1. All applications hereafter made to the governor of this state for the pardon of any person who shall have been convicted of the crime of murder, shall be accompanied with a recommendation of the judge who presided at the trial in which said conviction was had, or of the judge in office when the application is made, in the circuit where the trial was had, and shall also be accompanied by a full statement of the facts in the case, and the grounds of the application, which statement shall be verified by affidavit.

Judge to keep minutes, &c.

SEC. 2. It shall be the duty of any judge prisiding at the trial of any person indicted for murder, to keep full minutes of all testimony given upon such trial, and at the close of the trial, such minutes shall be delivered to, and shall be filed by the clerk of the court in which such trial is had; and upon any application for pardon of the person convicted upon such trial, said minutes of testi-

mony, or a certified copy thereof, shall accompany the application for pardon.

SEC. 3. No pardon shall be granted unless the warden or keeper of the prison where such applicant shall have been confined, shall certify to the governor that the applicant has during his confinement conducted himself in a peaceful and obedient manner: *Provided*, That this act shall not be so construed as to render it obligatory upon the executive to pardon any convict, although the application for such pardon shall be made in accordance with the provisions of this act. Warden's certificate. Proviso.

SEC. 4. This act shall be in force and effect from and after its passage.

Approved March 31, 1856.

CHAPTER 85.

Published May 14.

An Act to constitute an infant child an heir of Sylvanus S. Burgess.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The female infant now known by the name of Mary Ellen Burgess, and whose parents are unknown, but supposed to be dead, and who now lives, and from the time she was only a few days old has lived with Sylvanus S. Burgess, of Leroy, Dodge county, in this state, is hereby declared, constituted and made an heir of the said Sylvanus S. Burgess, the same as though she were the legitimate daughter of the said Sylvanus S. Burgess. Constituted heir.

SEC. 2. This act shall take effect upon being printed by the state printer.

Approved March 31, 1856.

CHAPTER 86.

Published May 14.

An Act to provide for additional terms of the Circuit Court for Milwaukee County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Additional terms of courts

SECTION 1. In addition to the terms of the circuit court appointed by law to be held in the county of Milwaukee, there shall hereafter be held annually, in and for said county, by the judge of the second judicial circuit, a term of said circuit court, commencing on the second Monday in December, and a term commencing on the second Monday in April, and a grand and petit jury for said terms shall be drawn and summoned in the manner provided by law. Said additional terms shall be for criminal and chancery jurisdiction only.

Term abolished.

SEC. 2. The May term of the circuit court for Milwaukee county is hereby abolished, and there shall hereafter be held in lieu thereof, an annual term of said court, commencing on the third Monday in June.

SEC. 3. This act shall take effect and be in force from and after the fourth day of July next.

Approved March 31, 1856.

CHAPTER 87.

Published May 17.

An Act to pay the Postage of the several State Offices.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Secretary to audit account for postage.

SECTION 1. The secretary of state is hereby authorized to audit the accounts of the postmaster at Madison, for the postage of the executive office, office of the secre-

tary of state, attorney general, state superintendent, bank comptroller, state treasurer, and clerk of the supreme court, for the year 1856, said accounts to be certified by the said postmaster, at Madison, by affidavit.

SEC. 2. There is hereby appropriated to the postmaster at Madison, out of any money in the treasury not otherwise appropriated, a sum sufficient for the payment of the above accounts, to be drawn quarterly, from the treasury, upon the presentation of said accounts properly certified to by their respective offices. Appropriation

Approved March 31, 1856.

CHAPTER 88.

Published May 17.

An Act to prevent fraud in the buying and selling of grain and other produce.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. If any produce merchant, warehouseman, miller, or storage, forwarding or commission merchant, or any other person or persons whatever, shall wilfully use false weights or measures, in the buying or selling, of any commodity or thing, and thereby shall cheat or defraud the seller or buyer, of any such commodity or thing, he or they shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding five hundred dollars. Punishment for using false weights, &c.

SEC. 2. Every justice of the peace shall have jurisdiction, concurrent with the circuit court, of all cases mentioned in the preceding section of this act, when the amount of damages occasioned by such cheat or fraud, shall not exceed the value of twenty dollars, in all which cases, the punishment shall be fine, not exceeding one hundred dollars, or by imprisonment in the county jail, not exceeding three months, saving to every person who shall be convicted before the justice, the right to appeal as in other cases. Justices of the peace to have jurisdiction.

SEC. 3. This act shall take effect and be in force from and after its publication by the state printer.

Approved March 31, 1856.

CHAPTER 89.

Published in Extra April 16.

An Act to amend chapter thirty of the Revised Statutes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. The second section of chapter thirty (30) of the revised statutes is hereby so amended as to read: "It shall not be lawful for any person to sell, give away, or dispose of or keep for such purpose, any intoxicating liquors, at any place upon lands belonging to or occupied under treaty stipulations with the United States by any nation or tribe of Indians within this state, and any Indian superintendent or agent shall have and is hereby given the authority to seize and destroy any liquor kept for such purpose within the said limits, without any other or further warrant therefor.

SEC. 2. This act shall take effect from and after its passage.

Approved March 21, 1856.

CHAPTER 90.

Published in Extra April 16.

An Act to amend [to amend] section twenty-two of chapter sixteen, of the Revised Statutes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment. SECTION 1. Every male inhabitant in each road district being over the age of twenty-one years, and under the age of fifty years, excepting persons of color, paupers, idiots and lunatics, shall be assessed to pay a poll tax of one dollar, said tax may be paid to the overseer in cash, or be commuted for in labor, as now provided by law.

SEC. 2. So much of section twenty-two of chapter sixteen, of the revised statutes, as conflicts with the provisions of this act, is hereby repealed. Repealed.

SEC. 3. This act shall take effect and be in force from and after the first (1st) day of April next.

Approved March 31, 1856.

CHAPTER 91.

Published September 27.

An Act to organize the county of Dunn for Judicial purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first day of January next, the county of Dunn shall be fully organized for judicial purposes, and shall enjoy all the rights and privileges appertaining to other counties so organized in this state. County organized for judicial purposes.

SEC. 2. Said county of Dunn shall be and hereby is constituted a part of the eighth judicial circuit and two terms of the said court shall be holden annually in said county of Dunn, at the county seat thereof, to wit: on the second Monday of June, and on the second Monday of December in each year. County of Dunn part of eighth judicial circuit.

SEC. 3. All writs shall issue and be made returnable as required by law in other counties in this state, and all laws now in force applicable to the summoning and empannelling of jurors, shall be applicable to, and be in force, in said county of Dunn. Writs, &c. returnable.

SEC. 4. The qualified electors of said county, at the general election to be held in said county in November next, shall elect a register of deeds, clerk of the board of supervisors, a county surveyor, a sheriff, district attorney, clerk of the court and coroner, who shall qualify, as required by law, and enter upon the duties of their several offices, on the first day of January next, and hold the same as now provided by law. Election of officers.

SEC. 5. The qualified electors of said county shall, on the first Monday of September next, elect some suitable person as county judge, who shall qualify as now provided County judge.

by law, and enter upon the duties of his office on the first day of January next and hold the said office for the term of two years, and until his successor is elected and qualified.

Returns of election.

SEC. 6. At such elections the votes given for such officers, shall be returned and canvassed in the same manner as votes are returned and canvassed at a general election in other counties in this state.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 31, 1856.

CHAPTER 92.

Published in Extra April 16.

An Act to amend chapter 79 of the Revised Statutes.

Repealed L.58, p.82

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. In addition to the causes for which a divorce may now be granted, a divorce from the bond of matrimony may in the sound discretion of the court be decreed by the several circuit courts of this state, sitting as a court of chancery, on suit brought in the county where the parties or one of them reside, on application by petition or bill of the aggrieved party, whenever either party shall have become incurably insane, and shall have so remained for the term of seven years continuously:

Proviso.

Provided, That in case of the insanity of the wife, before a divorce shall be granted for such cause, the husband shall give bonds to the board of supervisors in the county in which such wife shall reside, with good and sufficient security to the satisfaction of the court, for the support and maintenance of said insane party during her life.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 31, 1856.

CHAPTER 93.

Published June 18.

An Act to provide for the payment of clerks in the School Land Office.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of the school and university lands of this state are hereby authorized to employ such number of clerks, either permanently or temporarily, as shall be necessary, in order to the correct, prompt and efficient management of the school and university fund of this state, and the secretary of state is hereby required to keep a daily account of all such clerks so necessarily employed in said commissioners office; *Provided*, That before any clerk who may be appointed by the said commissioners shall enter upon the discharge of the duties of his clerkship, he shall take and subscribe the following oath, to wit: "I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the state of Wisconsin, that I will not be engaged either directly or indirectly in the purchase for my own benefit of any school or university lands of the state of Wisconsin, so long as I remain a clerk in the school land bureau thereof: and that I will faithfully discharge to the best of my ability the duties of clerk in said bureau—so help me God" —which said oath shall be filed in the office of the secretary of state.

To employ and pay clerks in school land office.

Oath.

SEC. 2. The clerks hereby authorized to be employed shall be employed either by the day, week, month, quarter, or year, as the said commissioners shall deem advisable, at a price to be agreed upon by them. The accounts of such clerks for services shall be audited by the secretary of state, and paid out of the income of the school and university funds, *pro rata; Provided*, That no clerk shall be paid for any time when not actually and necessarily employed in the duties of said office.

Compensation

SEC. 3. There is hereby appropriated out of the income of the school and university funds of this state, a sufficient sum to cover all expenses incurred under the provisions of this act during the year 1856, and to pay the clerks hired and employed in said department in said year prior

Appropriation for same.

to the passage of this act. The accounts of such clerks for services rendered in said year to be audited by the secretary of state.

Repealed.

SEC. 4. So much of chapter 70 of the general laws of 1854, entitled "An act to provide for defraying the contingent expenses of the state for the present year, and to amend chapter 24 of the revised statutes, entitled of school and university lands" as conflicts with the provisions of this act is hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 31, 1856.

CHAPTER 94.

Published April 3.

An Act to set apart and incorporate the county of Burnette.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

County of Burnette.

SECTION 1. That all that section of country lying and being in the county of Polk, in this state, embraced in townships thirty eight (38), thirty nine (39) and forty (40), of ranges twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), and twenty (20), together with so much of the county of Douglas as is embraced in townships forty one (41), forty two (42), and forty three (43), of ranges twelve (12), thirteen (13), fourteen (14), fifteen (15) and sixteen (16), shall be and the same hereby is set apart, and shall constitute a county, with all the rights and privileges heretofore granted to other counties; and shall hereafter be known in law and otherwise by the name and style of the county of Burnette, and shall hereafter be and hereby is attached to the county of Polk for judicial purposes; and for the time being, the same shall constitute two township for all township purposes, and shall be known as Yellow River township, and under such name shall be entitled to all the rights and privileges heretofore granted by law to other townships. And the first election in said township

Attached to Polk county for judicial purposes.

shall be held at the house of Thornton Bishop, in said town.

SEC. 2. The seat of justice of said county of Burnette herein created, shall be and hereby is located in the north east quarter of section twenty seven (27), township forty one (41), of range sixteen (16), at the village hereafter to be known as the village of Gordon. County seat.

SEC. 3. This act shall take effect from and after its passage.

Approved March 31, 1856.

CHAPTER 95.

Published, in Extra, April 16.

An Act to authorise county judges to perform and discharge the trust specified in an act of Congress, approved May 23d, 1844, viz.: "An act for the relief of the citizens of towns upon the lands of the United States under certain circumstances."

Whereas, Under the above named act of Congress any portion of the surveyed public lands, which had been and should be settled or occupied as a town site, (not subject to entry under the pre-emption laws of the United States) authority was given to county judges (or to the corporate authorities, if the town or site was incorporated) of the respective counties in which such lands were situated, to enter the same, in trust, for the use and benefit of the occupants or proprietors thereof, to be disposed of under such regulations as the legislative authority of the state in which such lands were situated should prescribe; therefore, Relative to public lands.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any portion of the surveyed public lands shall have been claimed or occupied as a town site, and regularly laid off into town lots, and the plat thereof recorded pursuant to law by the occupants or proprietors thereof, and the entry made under the aforesaid act of Congress, the said trustee or trustees shall have power and he or they are hereby authorized and instructed Trustees to convey title in certain cases.

to convey to the said occupants or proprietors, their assigns or legal representatives, a full and just title to each of their respective interests in such town site, which conveyance shall be binding in law, and shall be favorably construed in all courts and places in this state.

To cause survey to be made.

SEC. 2. In case no survey or record of the plat of such town site shall have been made, prior to such entry, then it shall be lawful, and it is hereby made the duty of said trustee or trustees to cause such site to be surveyed and platted, (as near as may be according to the respective possessions, rights and interests of the occupants or proprietors thereon, allowing all necessary streets and alleys) and the plat thereof recorded pursuant to law, the expense of such survey and plat first to be paid, rateably by said occupants or proprietors, according to each of their respective interests, and the conveyance to be made pursuant to the provisions of the first section of this act.

Conflicting claims—county judges duty

SEC. 3. In case there shall be conflicting claims to any lots or parts of lots so surveyed and platted as provided in section 2, it shall be lawful for the judge of the county and he is hereby required on application for that purpose, by any claimant to any lot or part of any town lot so by him surveyed or platted, to proceed, hear and determine the right and interest of the said claimants in said lot or lots or parts of lot, according to equity and justice, and shall award make, according to the respective interests of the parties, and the award of said judge shall be final and conclusive. The said judge before he shall proceed to hear and determine any such matter, shall give due notice to the said parties, and allow them time to have a fair hearing upon their respective claims.

Public act.

SEC. 4. This act is hereby declared to be a public act and shall be favorably construed in all courts and places.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 31, 1856.

CHAPTER 96.

Published July 9.

An Act to organize the county of Clark for Judicial purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first day of January next, the county of Clark shall be fully organized for judicial purposes, and shall enjoy all the rights and privileges appertaining to other counties so organized in this state. **Clark county organized for judicial purposes.**

SEC. 2. Said county of Clark shall be and hereby is constituted a part of the sixth judicial circuit, and two terms of the said court shall be holden annually, in said county of Clark, at the county seat thereof, to wit: on the fourth Monday of June and fourth Monday of December, in each year. **Part of sixth circuit.**

SEC. 3. All writs shall issue and be made returnable as required by law, in other counties in this state, and all laws now in force applicable to the summoning and empannelling of jurors shall be applicable to and be in force, in said county of Clark. **Writs, &c. returnable.**

SEC. 4. The qualified electors of said county, at the general election to be held in said county, in November next, shall elect a register of deeds, clerk of the board of supervisors, a county surveyor, a county treasurer, a sheriff, district attorney, clerk of the court and coroner, who shall qualify as required by law, and enter upon the duties of their several offices, on the first day of January next, and hold the same as now provided by law. **Election of officers.**

SEC. 5. The qualified electors of said county, shall, on the first Monday of September next, elect some suitable person as county judge, who shall qualify as now provided by law, and enter upon the duties of his office on the first day of January next, and [hold] the said office for the term of two years, and until his successor is elected and qualified. At such election the votes given for such officers shall be returned and canvassed in the same manner as votes are returned and canvassed at a general election in the organized counties in this state. **County judge.**

CHAPTER 100.

Published May 17.

An Act to provide for defraying the expenses of the Investigating Committee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Expense of investigating committee—secretary to audit.

SECTION 1. The committee of investigation are hereby authorized to certify to the secretary of state, the accounts for such expenses as they may incur for clerk hire and attendance of witnesses, during the recess of the legislature, and thereupon it shall be the duty of the secretary of state to audit such accounts, and order the same to be paid out of the state treasury: *Provided*, The compensation of witnesses shall be two dollars per day, and six cents for each mile traveled.

Appropriation

SEC. 2. There is hereby appropriated, to be paid out of the state treasury, a sum of money sufficient to pay the accounts audited under the provisions of the first section of this act. This act to take effect and be in force from and after its passage.

Approved March 31, 1856.

CHAPTER 101.

Published, in Extra, April 16.

An Act to amend chapter eighty-four of the Revised Statutes of Wisconsin, entitled "of Courts of Chancery and proceedings therein."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section thirty-six of chapter eighty-four of the revised statutes is amended hereby by adding to said section the following proviso, to wit: *Provided*, That this section, thirty six, shall not be so construed as in any way

to affect the validity of any sale made pursuant to any decree of the court before the filing of the petition or bill by such absent defendant, his heirs, devisees, executors, administrators or assigns.

SEC. 2. This act shall take effect from and after its passage.

Approved March 31, 1856.

CHAPTER 102.

Published June 21.

An Act in relation to the First Division of the Wisconsin Militia.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The counties of Dane and Washington, in this state, are hereby attached to the first division of the Wisconsin militia. Militia.

SEC. 2. The appointments heretofore made in the third division, shall not be affected by the provisions of this act. Appointments

SEC. 3. This act shall be in force from and after its passage.

Approved March 31, 1856.

CHAPTER 103.

Published June 24.

An Act to defray the Expenses of locating University Lands.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. There is hereby appropriated to Simeon Mills the sum of four hundred and fifty-three dollars, to be paid by the state treasurer, out of the income of the To pay expenses of locating Saline lands.

aforesaid, and as such is entitled to all the rights and privileges, and subject to all the duties which pertain between natural parents and child.

When to take effect.

SEC. 3. This act shall take effect and be in force whenever the said Gilbert Hoffman, with Hannah E. Hawes, the natural mother of the said Ellen Olivia, shall assent thereto in writing under their hands and seals, and record the same in the office of the register of deeds in the said county of Walworth.

Approved March 31, 1856.

CHAPTER 106.

Published, in Extra, April 16.

An Act to authorize county judges to amend and perfect their records.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

County judges to amend records.

SECTION 1. The judges of the county courts of the several counties in this state, are hereby authorized and empowered to amend and perfect the records of proceedings in any matter transacted in the county court, or in the probate court, before the organization of county courts, in such manner as may be necessary to make the records of proceedings in such courts conformable to the truth in any such matter.

Applications for amendments—how made, &c.

SEC. 2. Upon application in writing, verified by oath, by any person interested, praying an amendment or perfecting of the records of any such court, in any matters transacted in such court, and specifying the amendments sought to be made, it shall be the duty of the judge of the county court to cause notice of such application to be given to all persons concerned, of the time and place of a hearing on such application, by publication of notice in some weekly newspaper published in said county, if one be published therein, if not by publication in some weekly newspaper, published in some adjoining county for three weeks successively prior to a hearing on such application.

SEC. 3. Upon due proof of the publication of such notice the court shall proceed to hear the proofs and allegations of said applicant and of all persons opposing the granting such application. On the hearing of such application the court shall so amend and perfect the records of said court as to make the same conform to the facts of the proceedings had in such court. Court to hear proofs, &c.

SEC. 4. The records and proceedings had and made by such court upon the hearing of such application shall be as valid and in all courts binding as if said records and proceedings had been made originally by the court when they ought to have been made. Proceedings valid.

SEC. 5. Every county judge in this state shall keep his office, and the books, papers and records of the office of county judge at the county seat of the county in which he holds his office, which office, and the books, papers and records thereof shall at all reasonable times be open to access and inspection by any person having any business therewith. Office of co. judge, &c.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 31, 1856.

CHAPTER 107.

Published September 24.

An Act appropriating a certain sum of money to persons therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated to William P. Dewey, assistant clerk of the Assembly, and L. C. McKenney, assistant clerk of the Senate, the sum of one hundred dollars each, for extra services as such clerks, during the present session of the legislature; also, to E. Stansbury, transcribing clerk of the Senate, W. E. Carter, enrolling clerk of the Senate, G. W. Sproat, transcribing clerk of the Assembly and P. Tolland, enrolling clerk of the Assembly, the sum of one hundred dollars each, in Appropriation to officers of senate and assembly.

full compensation for services rendered during the present session of the legislature.

SEC. 2. This act shall take effect from and after its passage.

SEC. 3. Section one, of chapter 110 of the general laws of 1853, is hereby repealed.

Approved September 17, 1856.

CHAPTER 108.

Published September 25.

An Act to amend an act entitled an act to divide the county of Portage and erect the county of Wood, approved March 29, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment to act dividing county of Portage.

SECTION 1. The first section of an act entitled an act to divide the county of Portage and erect the county of Wood, approved March 29, 1856, is hereby so amended as to include the whole of township 23, of range 6, in the county of Wood.

Same.

SEC. 2. The ninth section of said act is hereby so amended as to include township twenty four and twenty-five, of range six, in the county of Portage.

Assessments.

SEC. 3. The assessment of property and the returns thereof shall be made in the same manner and at the same time as is now provided for such assessment and returns in the counties of Marathon and Portage.

County seat.

SEC. 4. The county seat of the county of Wood, shall be established on lots 2 and 3, block 31, in Wood's addition to Grand Rapids; *Provided*, That the owner of said lots shall give the said county of Wood a good and sufficient deed of said lots, for county purposes.

First election.

SEC. 5. The sheriff of the county of Portage is hereby required to give the legal notice of the first election, to be held in the said county of Wood, and the returns thereof shall be made to the town clerk of the town of Grand Rapids, who shall perform the same duties, and have the same power in canavssing such votes as if be

was clerk of the county board of supervisors of said county.

SEC. 6. The county of Wood shall have a claim against the county of Portage for her *pro rata* of the costs of the public buildings and property of said county of Portage, to be ascertained and determined by the commissioners appointed in the act of which this is amendatory. Public buildings.

SEC. 7. All records of the county of Portage relating to persons or property in the county of Wood, shall be free of access, and shall be free of charge to the proper officers of Wood county to transcribe. Records.

SEC. 8. The town board of supervisors of the town of Grand Rapids, in the said county of Wood, being the only town in said county, are hereby constituted and declared, and shall be the county board of supervisors of said Wood county, until a county board shall be elected and qualified as now provided by the revised statutes, and the town clerk of said town is also hereby constituted and declared, and shall be the clerk of the county board of supervisors of said Wood county, until such clerk of the said county board shall be elected and qualified as now provided by the revised statutes. Supervisors.

SEC. 9. This act shall take effect from and after its approval and publication.

Approved September 19, 1856.

CHAPTER 109.

Published October 3.

An Act to apportion and district anew the Members of the Senate and Assembly of the State of Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Until there shall be a new apportionment, the senators and members of the assembly shall be apportioned among the several districts of the state as is hereinafter mentioned, and each district shall be entitled to Apportionment.

elect one senator or member of assembly, as the case may be.

Senate districts.

1st *Senate District*—The county of Sheboygan.

2d *Senate District*—The counties of Brown, Outagamie, Door, Kewaunee, Oconto and Shawanaw.

3d *Senate District*—The county of Ozaukee.

4th *Senate District*—The county of Washington.

5th *Senate District*—The First, Second, Sixth, Seventh Wards of the city of Milwaukee, and the towns of Milwaukee and Granville, in the county of Milwaukee.

6th *Senate District*—The Third, Fourth and Fifth wards of the city of Milwaukee, and the towns of Wauwatosa, Greenfield, Lake, Oak Creek and Franklin, in the county of Milwaukee.

7th *Senate District*—The county of Racine.

8th *Senate District*—The county of Kenosha.

9th *Senate District*—The counties of Sauk, Adams and Juneau.

10th *Senate District*—The county of Waukesha.

11th *Senate District*—The towns of Windsor, Bristol, York, Burke, Sun Prairie, Medina, Blooming Grove, Cottage Grove, Deerfield, Verona, Fitchburg, Dunn, Pleasant Spring, Christiana, Montrose, Oregon, Rutland, Dunkirk and Albion, in the county of Dane.

12th *Senate District*—The county of Walworth.

13th *Senate District*—The county of La Fayette.

14th *Senate District*—The towns of Portland, Shields, Emmet, Lebanon, Ashippun, Waterloo, Milford, Watertown, Ixonia and the city of Watertown in the county of Jefferson.

15th *Senate District*—The counties of Iowa and Richland.

16th *Senate District*—The county of Grant.

17th *Senate District*—The towns of Janesville, Rock, Fulton, Porter, Centre, Plymouth, Newark, Avon, Spring Valley, Magnolia, Union and the city of Janesville, in the county of Rock.

18th *Senate District*—The towns of Beloit, Turtle, Clinton, Bradford, La Prairie, Harmony, Johnstown, Lima, Milton, and the city of Beloit, in the county of Rock.

19th *Senate District*—The counties of Manitowoc and Calumet.

20th *Senate District*—The county of Fond du Lac.

21st *Senate District*—The county of Winnebago.

22d *Senate District*—The county of Dodge.

23d Senate District—The towns of Lake Mills, Aztalan, Farmington, Concord, Oakland, Jefferson, Hebron, Sullivan, Koshkonong, Cold Spring and Palmyra, in the county of Jefferson.

24th Senate District—The county of Green.

25th Senate District—The county of Columbia.

26th Senate District—The towns of Roxbury, Dane, Vienna, Black Earth, Berry, Springfield, Westport, Vermont, Cross Plains, Middleton, Madison, Blue Mounds, Springdale, Perry, Primrose and the city of Madison, in the county of Dane.

27th Senate District—The counties of Portage, Wood, Marathon, Waupacca and Waushara.

28th Senate District—The counties of Douglas, La Pointe, Polk, Chippewa, St. Croix, Pierce, Dunn, Barnett and Clark.

29th Senate District—The county of Marquette.

30th Senate District—The counties of Crawford, Buffalo, Trempeleau, Bad Ax, Monroe, La Crosse and Jackson.

ASSEMBLY DISTRICTS.

County of Kenosha.

1. The city of Kenosha and the towns of Somers and Pleasant Prairie, in the county of Kenosha, shall constitute an assembly district. Assembly districts—Kenosha co.

2. The towns of Bristol, Paris, Brighton, Salem and Wheatland, in the county of Kenosha, shall constitute an assembly district.

County of Racine.

1. The city of Racine shall constitute an assembly district. Racine.

2. The towns of Racine, Caledonia and Mount Pleasant, shall constitute an assembly district.

3. The towns of Yorkville, Dover, Raymond and Norway, in the county of Racine, shall constitute an assembly district.

4. The towns of Burlington, Rochester and Waterford, in the county of Racine, shall constitute an assembly district.

County of Walworth.

1. The towns of Bloomfield, Linn, Geneva and Hudson, in the county of Walworth, shall constitute an assembly district. Walworth.

2. The towns of Walworth, Sharon, Darien, Delavan, in Walworth county, shall constitute an assembly district.

3. The towns of Sugar Creek, Richmond, Whitewater, and LaGrange, in the county of Walworth, shall constitute an assembly district.

4. The towns of Elkhorn, LaFayette, Spring Prairie, Troy, and E. Troy, in the county of Walworth, shall constitute an assembly district.

County of Rock.

Rock. 1. The towns of Beloit, Turtle, Clinton, and the city of Beloit, in the county of Rock, shall constitute an assembly district.

2. The town of Milton, Harmony, Lima, Johnstown, Bradford and La Prairie, in the county of Rock, shall constitute an assembly district.

3. The city of Janesville shall constitute an assembly district.

4. The towns of Fulton, Porter, Union, Centre and Janesville, shall constitute an assembly district.

5. The towns of Rock, Magnolia, Spring Valley, Plymouth, Avon and Newark, shall constitute an assembly district.

County of Green.

Green. 1. The towns of Brooklyn, Albany, Mount Pleasant, Exeter, New Glarus, Washington, Adams and York, shall constitute an assembly district.

2. The towns of Jordan, Monroe, Sylvester, Decatur, Spring Grove, Jefferson, Clarno and Cadiz, shall constitute an assembly district.

County of La Fayette.

La Fayette. 1. The towns of Benton, Elk Grove, Belmont, Kendall and Centre, shall constitute an assembly district.

2. The towns of Argyle, Wiota, Wayne, Gratiot, Fayette and Willow Springs, shall constitute an assembly district.

3. The towns of New Diggings, Shullsburgh, White Oak Springs and Monticello, shall constitute an assembly district.

County of Iowa.

Iowa. 1. The towns of Highland, Dodgeville, Ridgway, Arena, Wyoming, Pulaski and Clyde, in the county of Iowa shall constitute an assembly district.

2. The towns of Mineral Point, Mifflin, Linden and Warwick, in the county of Iowa, shall constitute an assembly district.

County of Richland.

Richland. 1. The county of Richland shall constitute an Assembly District.

County of Dane.

1. The towns of Albion, Dunkirk, Rutland, Christiana and Pleasant Spring, in the county of Dane, shall constitute an assembly district. Dane.

2. The towns of Deerfield, Cottage Grove, Medina, Sun Prairie, York, Windsor, Burke and Bristol, in the county of Dane, shall constitute an assembly district.

3. The towns of Blooming Grove, Dunn, Fitchburg, Oregon, Montrose and Verona, in the county of Dane, shall constitute an assembly district.

4. The towns of Perry, Springdale, Blue Mounds, Cross Plains, Vermont, Berry, [Primrose] Black Earth and Roxbury, in the county of Dane, shall constitute an assembly district.

5. The towns of Dane, Vienna, Westport, Springfield, Middleton, Madison and the first ward of the city of Madison, in the county of Dane, shall constitute an assembly district.

6. The second, third and fourth wards of the city of Madison, in the county of Dane, shall constitute an assembly district.

County of Waukesha.

1. The towns of Oconomowoc, Summit and Delafield, in the county of Waukesha, shall constitute an assembly district. Waukesha.

2. The towns of Merton, Lisbon and Menominee, in the county of Waukesha, shall constitute an assembly district.

3. The towns of Ottawa, Eagle, Genessee and Mukwanago, in the the county of Waukesha, shall constitute an assembly district.

4. The towns of Pewaukee, Brookfield and New Berlin, in the county of Waukesha, shall constitute an assembly district.

5. The towns of Waukesha, Vernon and Muskego, in the county of Waukesha, shall constitute an assembly district.

County of Milwaukee.

1. The first and seventh wards of the city of Milwaukee shall constitute an assembly district. Milwaukee

2. The second ward of the city of Milwaukee shall constitute an assembly district.

3. The third ward of the city of Milwaukee shall constitute an assembly district.

4. The fourth ward of the city of Milwaukee shall constitute an assembly district.

5. The fifth ward of the city of Milwaukee shall constitute an assembly district.

6. The sixth ward of the city of Milwaukee shall constitute an assembly district.

7. The towns of Milwaukee and Granville, in the county of Milwaukee, shall constitute an assembly district.

8. The towns of Wauwatosa and Greenfield, in the county of Milwaukee, shall constitute an assembly district.

9. The towns of Lake, Oak Creek and Franklin, in the county of Milwaukee, shall constitute an assembly district.

County of Ozaukee.

Ozaukee. 1. The towns of Sackville, Belgium, Port Washington, and Fredonia, in the county of Ozaukee, shall constitute an assembly district.

2. The towns of Grafton, Cedarburg and Mequon, in the county of Ozaukee, shall constitute an assembly district.

County of Washington.

Washington. 1. The towns of Wayne, Hartford, Addison and Erin, shall constitute an assembly district.

2. The towns of Kewaskum, Barton, West Bend, Polk, and Richfield, shall constitute an assembly district.

3. The towns of Farmington, Trenton, Jackson and Germantown, shall constitute an assembly district.

County of St. Croix, &c.

St. Croix, &c. The counties of La Pointe, Douglass, Burnett, Polk and St. Croix, shall constitute an assembly district.

County of Pierce, &c.

Pierce, &c. The counties of Pierce, Dunn, Chippewa and Clark, shall constitute an assembly district.

County of Fond du Lac.

Fond du Lac. 1. The towns of Alto, Metomen, Ceresco and Rosendale, in the county of Fond du Lac, shall constitute an assembly district.

2. The towns of Waupun, Springvale, Oakfield, Lamartine and Eldorado, in the county of Fond du Lac, shall constitute an assemby district.

3. The city of Fond du Lac and the towns of Fond du Lac and Friendship, in the county of Fond du Lac, shall constitute an assembly district.

4. The towns of Calumet, Marshfield, Taycheedah, Empire and Forest, in the county of Fond du Lac, shall constitute an assembly district.

5. The towns of Byron, Eden, Auburn, Ashford and Oceola, in the county of Fond du Lac, shall constitute an assembly district.

County of Winnebago.

1. The towns of Vinland, Oshkosh, Algoma and the city of Oshkosh, in the county of Winnebago, shall constitute an assembly district. Winnebago.

2. The towns of Neenah, Menasha, Clayton, Poyagan, Winchester, Winneconne and Orihula, in the county of Winnebago, shall constitute an assembly district.

3. The towns of Black Wolf, Utica, Nepeuskum, Rushford, Omro and Nekimi, in the county of Winnebago, shall constitute an assembly district.

County of Manitowoc.

1. The towns of Two Rivers, Mishicott, and Kossuth, the village of Manitowoc and the town of Manitowoc, in the county of Manitowoc, shall constitute an assembly district. Manitowoc.

2. The towns of Manitowoc Rapids, Maple Grove, Franklin, Eaton, Newton, Meeme, Abel and Centerville, in the county of Manitowoc, shall constitute an assembly district.

County of Calumet.

1. The county of Calumet shall constitute an assembly district. Calumet.

County of Grant.

1. The towns of Hazel Green, Jamestown and Smeltzer, in the county of Grant, shall constitute an assembly district. Grant.

2. The towns of Potosi, Paris and Harrison, in the county of Grant, shall constitute an assembly district.

3. The towns of Platteville, Lima, Clifton, Muscado and Wingville, in the county of Grant, shall constitute an assembly district.

4. The towns of Fennimore, Marion, Ellenboro, Liberty and Lancaster, in the county of Grant, shall constitute an assembly district.

5. The towns of Waterloo, Beetown, Patch Grove, Wyalusing, Millville, Little Grant and Cassville, in the county of Grant, shall constitute an assembly district.

County of Sheboygan.

1. The towns of Moselle, Sheboygan, Wilson and city of Sheboygan, in the county of Sheboygan, shall constitute an assembly district. Sheboygan.

2. The towns of Herman, Rhine, Russell, Greenbush,

Plymouth and Sheboygan Falls, in the county of Sheboygan, shall constitute an assembly district.

3. The towns of Lima, Lindon, Mitchell, Scott, Abbott, and Holland, in the county of Sheboygan, shall constitute an assembly district.

County of Crawford, &c.

Crawford, &c. 1. The counties of Crawford and Bad Ax shall constitute an assembly district.

County of La Crosse, &c.

La Crosse, &c. 1. The counties of La Crosse and Monroe shall constitute an assembly district.

County of Dodge.

Dodge. 1. The towns of Williamstown, Hubbard and Herman, shall constitute an assembly district.

2. Towns of Leroy, Lomira and Theresa, shall constitute an assembly district.

3. The towns of Rubicon, Hustisford and Oak Grove, shall constitute an assembly district.

4. The towns of Chester, Trenton and Fox Lake, shall constitute an assembly district.

5. The towns of Burnett, Beaver Dam, Westford, and the city of Beaver Dam, shall constitute and assembly district.

6. The towns of Calamus, Elba, Lowell and Clyman, shall constitute an assembly district.

County of Jefferson.

Jefferson. 1. The towns of Palmyra, Sullivan, Concord, Farmington, Hebron and Cold Spring, in the county of Jefferson, shall constitute an assembly district.

2. The towns of Koshkonong, Oakland, Lake Mills, Aztalan and Jefferson, in the county of Jefferson, shall constitute an assembly district.

3. The city of Watertown, in the county of Jefferson, shall constitute an assembly district.

4. The towns of Ashippun, Lebanon, Ixonia and Watertown, in the county of Jefferson, shall constitute an assembly district.

5. The towns of Emmett, Shields, Portland, Waterloo and Milford, in the county of Jefferson, shall constitute an assembly district.

County of Columbia.

Columbia. 1. The towns of Dekorah, West Point, Newport, Lewiston, Portage City, Caledonia, Lodi and Pacific, in the county of Columbia, shall constitute an assembly district.

2. The towns of Arlington, Columbus, Fountain Prairie, Hampden, Leeds, Lowville and Otsego, in the county of Columbia, shall constitute an assembly district.

3. The towns of Fort Winnebago, Courtland, Marcellon Randolph, Scott, Wyocena and Springvale, in the county of Columbia, shall constitute an assembly district.

County of Adams, &c.

The counties of Adams and Juneau shall constitute an assembly district. Adams, &c.

County of Sauk.

1. The towns of Prairie du Sac, Kingston, Merimac, Honey Creek, Franklin, Spring Green, Westfield and Washington, shall constitute an assembly district. Sauk.

2. The towns of Greenfield, Fairfield, Baraboo, New Buffalo, Delona, Winfield, Mauston, Reedsburg and Freedom, shall constitute an assembly district.

County of Brown, &c.

The county of Brown shall constitute an assembly district. Brown, &c.

The county of Outagamie shall constitute an assembly district.

The counties of Dorr, Kewaunee, Oconto and Shawano shall constitute an assembly district.

The county of Waupacca shall constitute an assembly district.

The county of Waushara shall constitute an assembly district.

County of Marquette.

1. The towns of Brooklin, Berlin, St. Marie, Princeton, Hardin, Dayton, Mackford, Seneca and Green Lake, in the county of Marquette, shall constitute an assembly district. Marquette.

2. The towns of Kingston, Marquette, Mecan, Neshkoro, Crystal Lake, Shields, Montello, Buffalo, Packwaukee, Sharon, Newton, Westfield, Oxford and Moundville, in the county of Marquette, shall constitute an assembly district.

County of Portage, &c.

1. The counties of Portage, Marathon and Wood, shall constitute an assembly district. Portage, &c.

County of Jackson, &c.

1. The counties of Jackson, Buffalo and Trempeleau, shall constitute an assembly district. Jackson, &c.

Election.

SECTION 2. At the general election in November, 1856, there shall be elected in the odd numbered senatorial districts above described, a senator for each district, whose term of office shall expire in two years after the commencement of such term, and also at the same time shall be elected in the following even numbered districts, namely: 26th, 28th and 30th, a senator for each district, whose term of office shall expire in one year after the commencement of such term of office.

Secretary of state to give notice of election, &c.

SEC. 3. The secretary of state shall immediately after the passage of this act give notice of the election of the several officers to be elected at the next general election in the manner prescribed by charter six (6) of the revised statutes entitled "of elections other than for town officers," and such notice so given shall be taken and deemed a compliance with the requirements of said chapter six of said revised statutes, for all the purposes of the election of officers required to be elected at the next general election under this act.

SEC. 4. This act shall be published immediately after its passage, and take effect from and after its publication.

Approved September 30, 1856.

CHAPTER 110.

Published Oct. 15.

An Act to amend chapter No. 74 of the General Laws of 1856, entitled "An Act for the promotion and encouragement of Agriculture."

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Amendment to chap. 74 General Laws 1856.

SECTION 1. Chapter 74 of the general laws of 1856, entitled "an act for the promotion and encouragement of agriculture," is hereby amended by striking out from section six the words "treasurer thereof," and inserting in place thereof the words "secretary of state."

SEC. 2. Said chapter is further so amended as to include the following as the eleventh section, and altering the succeeding section to number twelve.

"There is hereby appropriated annually, out of any money in the treasury, not otherwise appropriated, the sum of one hundred dollars to each county society, which shall be organized under the provisions of this [act.]"

SEC. 3. This act shall take effect from and after its passage.

Approved Oct. 2, 1856.

CHAPTER 111.

Published October 7.

An Act concerning Suits in Equity and Actions at Law.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. In cases when the subject of any suit in equity or action, or proceeding at law, shall be the title to any right or interest in, to, of or concerning land, such suit, action or proceeding may be commenced, and proceeded with to final judgment or decree, subject to existing laws in regard to change of venue, in the county where such land may be situate, and in case such land shall lie in more than one county, then in any county therein is situate any of such land, any law to the contrary notwithstanding, and for the purpose of carrying into the provisions of this act, any and all process, may be issued for service or execution, to the sheriff of any and all counties of this state, as may be needful, and the same may by such officer be served or executed in his county. **Suits in equity &c.—how proceeded with.**

SEC. 2. Where any suit is commenced or is pending in court of this state for the foreclosure of any mortgage, partition of real estate, or to compel the specific performance of any contract, relative to real estate, or to quiet title thereto, or to divest or transfer the like to the same by conveyance or decree, or to compel the sale of the land, for any purpose authorized by law, the complainant or plaintiff in such suit, in case any defendant therein shall be absent from, or non-resident of the state, may **Suits commenced, &c.**

give personal notice to such defendant in the state where he may be found, such personal notice may be by a copy of the subpœna, summons or process in the cause, attested by the clerk of the court, out of which the same shall issue, on the back of which a brief statement of the cause of action shall be endorsed, and for this purpose the clerk shall issue as many original subpœneas or processes so endorsed, as the plaintiff shall require.

Defendant required to appear and plead.

SEC. 3. Such process or subpoena shall require such defendant to appear and plead, in the court from whence the same was issued, in not less than two, nor more than six months from the service thereof, as shall be ordered by any court commissioner or judge at chambers, and it may be served by any sheriff, notary public, justice of the peace, or by any officer authorized by the laws of the state or territory where such defendant may be, to serve similar process in the county, city or jurisdiction where such service is made, and the person serving such process shall make affidavit of the time and manner of making the service, before some officer authorized by the laws of such state to administer oaths, and that he is such officer as is authorized by this section to serve such process; the official character and authority of the person administering such oath, shall be authenticated by the certificate of a clerk of a court of record, under his seal of office, or by the certificate and seal of the proper certifying officer of the county or jurisdiction where the person administering such oath exercises his office.

Affidavit of service.

SEC. 4. The affidavit of service and certificate required by the preceding section, shall be written upon or attached to a copy of the process or subpoena served on said defendant, attested as hereinbefore provided, and the same shall be transmitted to the clerk who issued such process, by mail or other conveyance.

In case defendant don't appear, &c.

SEC. 5. On filing such process and proof of service, in the court where such suit is pending, if the defendant so served shall not appear at the time required therein, such defendant shall be proceeded against as though said process had been served by the proper officer in this state; and no decree, order or judgment, in a cause where such proof of service has been filed, shall be opened for rehearing, or set aside, or in any way altered, by any proceeding in behalf of such absent or non-resident defendant unless he shall satisfy the court, by affidavit, or other competent testimony, that the proof of service filed in the cause

ı false, and that such defendant received no actual notice
ı such cause, but such order, judgment or decree, may be
ɔt aside or re-opened, for such reasons as would be suffi-
ient, provided service was had in this state.

SEC. 6. This act shall not be construed so as to prevent ıy plaintiff from proceeding against any absent defend- ıt, as heretofore allowed, at the same time, or before, or ter the proceedings under this act. How construed.

SEC. 7. This act shall immediately after its passage be inted by the state printer, and when so printed, shall ke effect and be in full force.

Approved October 2d, 1856.

CHAPTER 112.

Published November 10.

ıct to secure the enlargement and immediate completion of the improve-
nt of the navigation of the Fox and Wisconsin Rivers, and the payment
the scrip and other evidences of indebtedness issued by the State on
ount of the same, and for the protection of the settlers on the even sec-
ns, etc.

he people of the State of Wisconsin, represented in ıte and Assembly, do enact as follows:

ECTION 1. The Fox and Wisconsin Improvement Com- ', a corporation created by an act of the legislature e state of Wisconsin, July 6th, 1853, are hereby au- zed and required, to make all the dams, locks, canals, ırs, and other structures, and to do all the dredging ther work, and furnish all materials necessary to lete the improvement of the navigation of the Fox Wisconsin rivers, and the canal connecting the same, o re-construct the locks at the Portage and Rapide ıe, and cause the same to be re-constructed at Depere, a substantial and workmanlike manner, so that all cks, dams, and other works between Green Bay and 'isconsin river shall be equal or superior in strength, ity, kind and quality, of materials and workman- o the best works of the kind heretofore constructed en Green Bay and Lake Winnebago; and that du- Fox and Wisconsin Rivers improvement.

ring ordinary low water, steamboats drawing four feet of water shall pass with facility from Green Bay to Lake Winnebago; and that boats drawing three and a half feet of water shall pass with facility from Lake Winnebago to the Wisconsin river; and that such boats suited to said locks may meet and pass each other in said Portage canal, and at suitable and convenient places in the other canals, and in the channel of the river, as contemplated in the report of D. C. Jenne, chief engineer, to the directors of said company, dated September 15th, 1856, a copy of which is appended to the report of the select committee of the assembly, of which J. Stark is chairman, and which is on file in the office of the secretary of state, and is here referred to as the general plan of such enlarged works of improvement. Nothing herein contained shall be construed to release any contract or obligation of any person, persons or corporation from the maintenance, repair and construction of the said works at Depere. Said company shall commence the construction of the new locks and dams required to secure the navigation herein provided for, within ninety days after the passage of this act, and shall complete the same, and the canals connected therewith, and all works already commenced, upon the contemplated plan, within two years and shall complete the enlargement and construction of the remaining works, and the necessary dredging of the river, within three years after the passage of this act such new and enlarged works shall be so constructed as not to impair the existing rights of the lessees of any water power upon such improvements, and so as to do no unnecessary damage to property along the line of said improvement. Said company are further required, within six months after the passage of this act, to pay all principal and interest due upon the outstanding unpaid evidences of indebtedness issued on the part of the state, on account of the improvement of said Fox and Wisconsin rivers, and thereafter to pay the interest and principal upon all such evidences of indebtedness promptly, as the same shall, from time to time, fall due. They shall also as soon as practicable, perfect the title of the settlers upon the even numbered or alternate sections of the improvement grant to whom they have sold lands in such even numbered sections. If it shall be found necessary hereafter to change the plan of the work recommended in said report of D. C. Jenne, the same may be done

Construction of new locks, &c.

To pay outstanding indebtedness.

To change plan of work.

ith the approval of the governor of the state,; but in no vent shall any change reduce the size or capacity of the nprovements, or impair the character or quality of the ork, or the materials used.

SEC. 2. To enable said company to perform the duties quired in the preceding section, all the lands now un- ld, granted by Congress in aid of said improvement, as plained by the same body, (and which grants are here- accepted), are hereby granted to the Fox and Wiscon- Improvement Company, subject, however, to the ms and conditions of said grants by Congress, and to further terms and conditions following: that is to : That within ninety days after the passage of this , the said company shall make a deed of trust to three stees, to be appointed as hereinafter provided, includ- and conveying to said trustees, and their successors, the unsold lands granted to the state of Wisconsin by several acts and the resolutions of Congress, to aid in improvement of the Fox and Wisconsin rivers, and the works of improvement constructed, or to be con- icted on said rivers, and all and singular the rights of , dams, locks, canals, water powers, and other appur- ances of said works, and all rights, privileges and fran- es belonging to said improvement, and all the property aid company, of whatever name and description, for the , trusts and purposes following, with priority of lien, he order in which they are named, that is to say:

Lands to be conveyed to trustees, &c.

irst. To secure to the state the faithful application of noneys or property arising from the sale of the lands or r powers, or obtained on the faith of the same, as inafter authorized, to the construction and completion he works of improvement contemplated in this act, as in provided, and to the payment of all outstanding aid evidences of indebtedness issued on the part of tate, for or on account of said improvement, and the est thereon, in accordance with the terms of this act.

To secure the faithful application of all moneys.

cond. For the payment of any bonds heretofore issued at may hereafter be issued by said company, for or count of said improvement.

Payment of bonds.

ird. To secure to the state the application of the eds, or such part thereof as shall be necessary, of the claimed for the alternate sections along the Wiscon- ver, to the improvement of the Wisconsin river upon lans commenced by the state, by the construction of dams, or upon such other plans as may be hereafter

Wing-dams.

adopted by the said company and approved by the governor; *Provided*, That nothing contained in this section shall be construed as granting or conveying to said company any right, title or interest whatever, either present or contingent to section number five, in township number twelve north, of range number nine east, of the fourth principal meridian.

Proviso.

May issue bonds.

SEC. 3. For the purpose of raising funds from time to time for the construction, enlargement and completion of said works of improvement, as required by this act, and for the purchase of materials to be used therein, and the payment of the evidences of state indebtedness above referred to, and interest thereon, and also for the payment and redemption of any outstanding obligations of said company heretofore issued; said company may issue its bonds, countersigned by the said trustees, in sums of not less than five hundred, nor more than one thousand dollars each, at rates of interest not exceeding ten per centum per annum, payable semi-annually; the principal of said bonds payable at a period therein to be named not exceeding twenty years from their date, and at such place as the company shall designate. The payment of said bonds shall be secured by the deed of trust aforesaid of said lands, works, water powers, property and franchises as hereinbefore provided; subject nevertheless to the prior lien of the state upon said lands and property hereinbefore provided for; which said prior lien shall be referred to in such bonds so to be issued by said company. The faith of the state shall be in no wise pledged for the redemption of said bonds. A portion not exceeding one fourth of the cash proceeds of said lands and water powers, sold and conveyed by said trustees as hereinafter provided, may upon requisition of said company from time to time, be applied by said trustees to the payment of interest on loans, or to provide for other expenditures, as the exigencies of the company may require.

State not holding, &c.

To sell lands in case company fail to comply with act.

In case the said company shall fail to comply with any of the requirements of this act, or to pay the principal or interest of its bonds, issued as herein provided, the said trustees shall sell the said lands, in tracts not exceeding six hundred and forty acres, and shall apply the proceeds thereof to the purposes expressed in this act, in the order of priority of liens designated herein; and if the proceeds of said sales are insufficient to complete the intended works of improvement, pay all the evidences of

state indebtedness, and interest thereon, and redeem all the bonds and other obligations of said company, then the said trustees shall sell the water powers created by said improvement, and thereafter all the corporate rights, privileges, franchises, and property of said company in said improvement, and all appurtenances thereto, to pay the same, and the purchasers thereof shall take, hold, and use the same as fully, as they are now held, used and enjoyed by said company, but it is understood that until the failure of said company to comply with the terms of this act, it shall retain possession and control of said works of improvement, and have the right to collect tolls thereon, and rents from the lessees of water powers, and to apply the same to the repair and maintenance of said improvement, and for other purposes. Such sales of the lands, water powers, and corporate rights and property contemplated in this section shall be made upon sixty days notice, published in every county in which a newspaper is publishhd, lying adjacent to the Fox river, Lake Winnebago and the Wisconsin river below Portage City; said notice shall also be published sixty days in the "State Paper" printed and published at the capital of this state. In case of such sales by the trustees for non-compliance by said company as herein required, before all of said evidences of state indebtedness shall have matured, said trustees shall set apart [out] of the proceeds of said lands, water powers and improvements, a fund sufficient to pay the interest on such remaining state iedebtedness and to sink and redeem the principal thereof at maturity. Said deed of trust may provide for the safe keeping of moneys which may come into the possession of said trustees, and for the creation of sinking funds for the payment of all liabilities of said company or for the redemption of its bonds before maturity, subject to the provisions of this act.

To publish sale of lands.

SEC. 4. The said trustees may, on the requisition of said company, proceed to sell the lands granted by congress and of said improvement, and may sell or lease the water powers created by said improvement, in such manner and upon such terms, as to price, and time and place of payment as the company may direct; but none of said lands shall be sold for less than one dollar and twenty five cents per acre, and not less than twenty-five per cent of the purchase money for either said lands or water powers shall be paid at the time of sale. All payments for said

Sale of lands and water powers, &c.

lands and water powers shall be made in cash, or the said evidences of state indebtedness at par.—No deeds shall be made for said lands or water powers to the purchasers thereof, until full payment shall have been made as above. The trustees shall apply all moneys received on such sales, except one fourth thereof, above authorized to be reserved for payment of interest and for other purposes:

Proceeds—to what applied.

1st. To the payment of the said evidences of state indebtedness, and to the completion of said improvement as far as shall be necessary, and thereafter to the redemption of the bonds of the company in such manner as may be prescribed in the said deed of trust (which bonds shall be cancelled by said trustees and returned to said company,) and said evidences of state indebtedness received on sales of lands and water powers, or redeemed with the proceeds thereof, or otherwise, shall be delivered by said trustees to said company, and deposited by said company with the state treasurer to be cancelled. On receiving the full price of such lands or water powers so sold, in money or state indebtedness as aforesaid, said trustees shall convey the tract or tracts or water power or powers so sold, by an absolute title in fee simple to the purchaser; which conveyance shall operate as a release or acquittance of the particular tract or tracts or water power or powers so sold, from all liability or incumbrance on account of said deed of trust, so as to vest in the purchasers a complete and indefeasible title. No sales of said lands, or sales or leases of said water powers shall be made until after the execution and delivery of said deed of trust as above provided.

Before sale trustees to make record, &c.

SEC. 5. Before any sales shall be made of any of said lands, said trustees shall make a record thereof, describing each and every tract of land selected by the state or company, under the act of Congress of August 8th, 1846, and August 3d, 1854, and also under the resolution of Congress of March 3d, 1855; and shall file a certified copy of such record in the office of the secretary of state of the state of Wisconsin, which shall be recorded at the expense of the company, in a book to be provided for that purpose; and shall also file in the office of register of deeds of each county in which any of said lands may lie, a certified list of said lands lying in said counties respectively. The said trustees shall make and keep a record as aforesaid of each and every tract of land sold, with the name of the purchaser, and the price for which the same

was sold, a copy of which record of sales, together with a full statement of the receipts and applications of all moneys which may come into their possession as such trustees, shall be filed in the office of the secretary of state, on the first day of December in each year. Said trustees shall also, as early as practicable, attach to said deed of trust a list of all the lands embraced therein.

Amount to be sold.

SEC. 6. The trustees shall not at any time during the construction of said works of improvement, sell or dispose of any lands, or water powers, to an amount exceeding the sum which shall then have actually been expended upon the said works, and in the payment of interest and principal of said state indebtedness; but may, at the request of said company, sell as the work progresses, so as to meet expenditures actually made on the works of improvement and in the payment of said state indebtedness, as far as the receipts from said sales may go towards their liquidation; and all lands remaining unsold at the expiration of ten years after the completion of said works of improvement, shall be offered at public sale annually until the whole are disposed of; and the avails applied to the payment of the outstanding bonds of said company as aforesaid; or if no such bonds be outstanding, such avails shall be paid to said company.

Certified copies of list of land taken as evidence.

SEC. 7. Copies of the lists of lands required by section ive of this act to be filed in the offices of the secretary of state and the registers of deeds of the several counties, hall, when certified to be correct by said officers respectively, under their official seals, be received in any court f this state, as evidence that such lands are the lands ranted to the state by said acts and resolutions of Congress in aid of the improvement of the Fox and Wisconsin vers.

Trustees appointed by the governor, &c.

SEC. 8. The trustees contemplated in this act, shall be ppointed by the governor of this state, with the approval nd assent of said company, by a vote of the directors ereof, and any trustee so appointed may be removed by e governor, with the assent and approval of said company, expressed as aforesaid. In case of a vacancy caused by the death, resignation, removal, or refusal to serve other disability, of any trustee, such vacancy shall be lled by appointment in like manner as above. One of e said trustees shall always be a resident of this state. e acts of a majority of said trustees shall have the same ect as if done by all of them, and they shall have power

to appoint such agents, to make contracts and conveyances, and do other acts in their stead as may be necessary to carry out the objects of this act.

Compensation of officers.

SEC 9. The compensation of the trustees appointed under this act, and of all officers and agents of said trustees, or of said company, and all other expenses of the execution of said trust, and of all other purposes of this act shall be at the cost and charge of said company, without charge of any kind upon the treasury of this state.

When the company shall have completed the works, &c.

SEC. 10. Whenever said company shall have completed the works contemplated in this act, shall have paid all the unpaid evidences of indebtedness issued by the state on account of said improvement, and the interest thereon, and shall have secured the titles of the even sections to the purchasers thereof as hereinbefore provided, then the trustees shall hold the said lands, and the right to sell the said works and franchises of the said company, for the benefit of the other specified trusts; and when all the purposes of this act are accomplished, and not before, the said trustees shall convey to the said company the interest of the state in the said lands, work, and other property herein mentioned. The certificate of the governor of this state that any of the purposes of this act are fully accomplished, shall be evidence thereof, to the said trustees, for the objects of this section.

How construed.

SEC. 11. Nothing contained in this act shall be construed to release or discharge the bonds given by the first members of said company to the state under section two of their act of incorporation; but said bonds, and the provisions of said act of incorporation shall as far as consistent with this act, be held and continued in force for all purposes expressed therein, except only the condition to complete the works of improvement within the time and according to the terms stated in said bonds. Nor shall this act be construed as an acknowledgement on the part of the state that any of the evidences of indebtedness herein referred to, are a just and valid charge against the state treasury. Nor shall the state be liable for the acts or obligations of said company.

Contracts, &c.

SEC. 12. The president, vice president or other officers of said company may execute contracts, agreements, conveyances which may be authorized by resolutions or by-laws of the board of directors or company.

When this act becomes void.

SEC. 13. This act and all grants herein contained, shall cease and be void unless accepted by said company within

in ninety days after the passage of this act; and immediately on such acceptance, expressed by a resolution of the board of directors of said company, a copy of which, certified under the seal of the company, by their secretary, shall be filed in the office of the secretary of state; the said deed of trust shall be made as above provided. In case, however, said company shall fail to assent to the provisions of this act, to file said certified copy of their said resolution, or to make the said deed of trust within ninety days after the passage of this act, then this act shall cease to be of force; and it shall be the duty of the governor to select or cause to be selected, the land to which the state become entitled under the resolution of Congress above referred to, approved March 3d, 1855, and to file a list thereof in the office of the secretary of state; and the said company is hereby prohibited in such case from selling or disposing of said last mentioned lands, or any part thereof, or exercising any authority or control over the same.

To secure titles

SEC. 14. For the security of the titles of those portions of the even or reserved sections of the Fox river grants, which have been sold by said company to the settlers thereon, the first bonds of said company issued in conformity with the provisions of the 3d section of this act, to the amount of $150,000, shall be deposited with the governor of this state, within three months after the passage of this act, as a pledge for the security of the titles of such settlers; and upon securing said titles, said bonds shall be redelivered to said company.

Public act.

SEC. 15. The provisions of the revised statutes relating to trusts, trustees and trust estates shall not be applied to the trusts herein provided for, but this act shall be deemed a public act, and shall be favorably construed for all purposes therein expressed and declared, in all courts and places whatsoever, and shall be in force from and after its passage.

Approved October 3, 1856.

CHAPTER 113.

Published October 4.

An Act to provide for determining and finally settling and paying the claim of Andrew Proudfit, for work done, materials furnished, and for damages arising or growing out of his contract with the commissioners of the Wisconsin State Lunatic Assylum, entered into on the sixteenth day of November, 1854.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission to determine claim of A. Proudfit.

SECTION 1. Timothy O. Howe, Frederick S. Lovell, and Wm. Pitt Lynde, are hereby appointed commissioners and authorized and directed to hear and determine the claims of Andrew Proudfit, for work, labor and service done and performed, and materials furnished by him, under his contract with David S. Vittum, Aldén S. Sanburn and Sam. G. Bugh, commissioners appointed under an act approved March 30th, 1854, entitled "an act to provide for a state lunatic assylum," for the building of a state lunatic assylum, bearing date on the 16th day of November, 1854, and also to examine, hear and determine his claim for damages growing out of the repeal of the law authorizing the said commissioners to enter into such contract, and the suspension of the work under such contract, by the state, under and by the act approved March 29, 1855, and that said commissioners award such sum to said Proudfit for such work and damages as shall be just and equitable.

Time of meeting.

SEC. 2. The said commissioners shall appoint such time at the city of Madison, between this and the first day of December next, as to them shall be convenient, to meet and hear the proofs and allegations of the said Proudfit, and the proofs and allegations on the part of the state, and shall have power to subpœna and examine witnesses on either side, and for that purpose are authorized to administer oaths, and may, for good cause shown by either party, adjourn the hearing, from time to time, as the ends of justice may require, and after hearing the proofs and allegations on both sides, the decision or award of said referees or a majority of them, to be made in writing, and

Award final.

filed in the office of the secretary of state, shall be final and conclusive on the state as well as the said Proudfit.

SEC. 3. It shall be the duty of the attorney general or of such other counsel as the governor may select and appoint for that purpose (which he is hereby authorized to select and appoint) to conduct said hearing upon the part of the state. Governor to employ counsel.

SEC. 4. The said commissioners shall give the attorney general or such other counsel as the governor may select and appoint, and the said Proudfit, at least thirty days notice of the time and place appointed by them for the hearing of said matters, and difference, in the first section of this act, mentioned. Notice to parties of time of meeting.

SEC. 5. Nothing in this act contained, shall be understood or construed to be an affirmance or admission of the legality of the said contract or the liability of the state upon such contract, either for work done or damages sustained by reason of the suspension of work under such contract, but the only and true object and intent and meaning, being to adopt a plan and create a tribunal to finally settle the liabilities of the state (if any) to said Proudfit upon said contract, and the right and extent of the claim of said Proudfit, for damages for the work done and the suspension of the work under such contract, by the act of March 30th, 1855, and for that purpose the referees are invested with full power and authority to hear the whole case and decide the same upon the merits according to the established principles of law and equity. Act—how construed.

SEC. 6. The governor and secretary of state are hereby empowered to allow said commissioners such compensation for their services under this act as shall be just and reasonable, and one half of said sum so fixed shall be paid by the secretary of state's draft upon the treasurer, and the other half by said Proudfit. The governor and secretary of state may require the said Proudfit to deposit with the treasurer such sum as he may deem reasonable to pay his portion of said expenses. Compensation of commissioners.

SEC. 7. The secretary of state is hereby authorized and required, upon the filing of the report or award of the said commissioners in his office, duly signed and sealed by them or a majority of them, to draw his warrant upon the treasurer for the amount (if any) reported and awarded to be due from the state to said Proudfit, to be paid by the treasurer out of the general fund in his hands not On filing of award of commissioners.

otherwise appropriated; *Provided*, That the said Proudfit shall execute and file in his office a full release of all claims and demands against the state growing out of said contract.

To fill vacancy

SEC. 8. In case said commissioners or either of them shall decline or refuse to serve, or die, or resign, the governor is hereby authorized to fill such vacancy by appointment of a commissioner or commissioners to fill such vacancy.

Approved October 2, 1856.

CHAPTER 114.

Published October 7.

An Act to organize the county of Eau Claire.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To organize county of Eau Claire.

SECTION 1. So much of the county of Chippewa as is situated south of the township line between township twenty seven (27) and twenty eight (28), is hereby organized into a separate county, to be known by the name of Eau Claire.

Rights, &c.

SEC. 2. The said county of Eau Claire is hereby erected established and organized, with all the rights, privileges, both for governmental and judicial purposes as is by law granted to other counties in this state.

Election of county officers

SEC. 3. That on the last Tuesday in December, A. D. 1856, the electors resident in said new county shall meet in their respective towns and precincts, at the usual places for holding elections, and then and there proceed to elect all and every of the county officers, prdvided by law in county government, which said officers shall hold their office when duly qualified until the expiration of the time of similar officers in other counties.

Return of election.

SEC. 4. The returns of said election for county officers shall be returned to and canvassed by the town board of supervisors elect of the town of Eau Claire in the same

manner as by boards of county canvassers, and all oaths of office, and official bonds of said county officers shall be filed in the office of town clerk of the said town of Eau Claire, and that the official bonds of said county officers shall be approved by the chairman of the board of supervisors of the said town of Eau Claire.

SEC. 5. The village of Eau Claire is hereby declared to be the county seat of the said county of Eau Claire; the circuit court of the eighth (8) judicial circuit of Wisconsin, shall hold its session at the county seat of Eau Claire, commencing on the third Monday of May, and on the last Monday in September in each year. County seat.

SEC. 6. This act shall take effect and be in force from and after the election and qualification of the county officers as hereinbefore provided. When to take effect.

Approved October 6, 1856.

CHAPTER 115.

Published November 12.

An Act to provide for the annual examination of the accounts of certain State officers.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A joint standing committee consisting of one member of the senate and two members of the assembly, to be called the "committee for investigation," shall be elected or appointed in such manner as other committees are elected or appointed at the commencement of each annual session of the legislature, whose duty it shall be to examine the annual reports of the secretary of state, state treasurer and commissioners of the school and university lands, for the year next preceding, and all books, records, accounts and vouchers of said officers respectively, pertaining to the condition and management of the state treasury, and of all lands and funds in charge of said officers or any or either of them during said year, and to report the result of such examination to For appointment of committee of investigation.

Bank Controller & Superintendent of Public

the legislature, within four weeks after the commencement f such session.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved October 6, 1856.

CHAPTER 116.

Published November 13.

An Act concerning Notaries Public, and other officers.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Concerning notaries public

SECTION 1. The clerks of the circuit court of this state are hereby authorized to certify, in the same manner as they are now authorized to do in the case of justices of the peace, to the official qualifications of any notary public residing in their county, who shall have deposited in their office a certificate of the secretary of state, showing that such notary public is duly qualified, and the time when his commission will expire; together with his autograph and an impression of his official seal.

Record by clerk of circuit court.

SEC. 2. It shall be the duty of the several clerks of the circuit court to keep a record of all certificates so deposited with him as aforesaid.

Resignations, &c.

SEC. 3. It shall be the duty of the secretary of state, when any notary public shall resign or be removed to [from] his office, to notify forthwith the clerk of the circuit court of the proper county of such resignation or removal.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved October 6, 1856.

CHAPTER 117.

Published November 18.

An Act to amend chapter 386 of the session laws of 1852, entitled "an act relating to hawkers and pedlars."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 386 of the session laws of 1852 is hereby so amended that it shall not hereafter be necessary for any person to obtain a license to sell or to travel from place to place for the purpose of carrying to sell any printed book, newspaper, pamphlet or map whether the same shall have been produced or printed in the state or not. Concerning book pedlars.

SEC. 2. This act shall not authorize the sale or the travling for the purpose of carrying to sell any immoral or obscene book, paper or pamphlet or playing cards.

SEC. 3. So much of chapter 386 of the session laws of 1852 or of any other law of this state as contravenes the provisions of this act are hereby repealed. Repealed.

SEC. 4. This act shall be in force and take effect from and after its passage.

Approved October 6, 1856.

CHAPTER 118.

Published November 12.

Act to accept the grant and execute the trust conferred upon the State of Wisconsin, by an act of Congress entitled "an act granting public lands to the State of Wisconsin to aid in the construction of railroads in said State," approved June 3d, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the lands, rights, powers and privileges granted to and conferred upon the state of Wisconsin by the act of Congress, entitled "an act granting To accept land grant

public lands to the state of Wisconsin, to aid in the construction of railroads in said state," approved June 3d, 1856, be and the same are hereby accepted, upon the terms, conditions and restrictions contained in said act of Congress, and the said state of Wisconsin hereby assumes and undertakes the trust created by the said act of Congress.

SEC. 2. This act shall be in force so soon as the same is published.

Approved October 8th, 1856.

CHAPTER 119.

Published November 12.

557 p. 15.

An Act to authorize county boards of supervisors to order the publication of public notices relating to county affairs in foreign languages.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

Supervisors may order printing in foreign languages.

SECTION 1. In all cases where the board of supervisors of any county in this state shall deem it necessary for the better information of the different inhabitants thereof, they shall have the power to order public notices relating to tax sales or other affairs of said county, to be inserted in papers published in any other than the English language, and circulated in said county.

Rate.

SEC. 2. The rates for such publications shall be the same as those prescribed by law for the publication in the English language, and no extra charge shall be allowed for the translation of the same.

How paid.

SEC. 3. All such publications shall be paid by the county ordering the same, and the county board of supervisors shall audit all such accounts, and draw orders on the county treasurer in payment therefor.

Acts legalized.

SEC. 4. The acts of any county board of supervisors heretofore ordering publications (and paying for the same by orders drawn on the county treasurer) in any paper printed in a foreign language, are hereby legalized, and the county treasurer of any such county is hereby auth-

ized and directed to receive all orders on them for such printing, in payment of taxes or otherwise, as county orders issued for other purposes.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved October 9, 1856.

CHAPTER 120.

Published, in Supplement, January 5.

An Act to simplify and abridge the Practice, Pleadings and Proceedings of the Courts of this State.

WHEREAS, it is expedient that the present forms of actions and pleadings in cases at common law should be abolished; that the distinction between legal and equitable remedies should no longer continue, and that an uniform course of proceeding, in all cases, should be established: *Therefore,*

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Remedies in the courts of justice are divided into: **Division of remedies.**

1. Actions:
2. Special proceedings.

SEC. 2. An action is an ordinary proceeding in a court of justice, by which a party prosecutes another party for the enforcement or protection of a right, the redress or prevention of a wrong, or the prevention of a public offence. **Definition of an action.**

SEC. 3. Every other remedy is a special proceeding. **Definition of a special proceeding.**

SEC. 4. Actions are of two kinds. **Division of actions.**

1. Civil:
2. Criminal:

SEC. 5. A criminal action is prosecuted by the people of the state, as a party against a person charged with a public offence, for the punishment thereof. **Definition of criminal actions.**

SEC. 6. Every other is a civil action. **Definition of a civil action.**

Civil and criminal remedies not merged.

SEC. 7. Where the violation of a right admits of both a civil and criminal remedy, the right to prosecute the one is not merged in the other.

To what actions this act relates.

SEC. 8. This act relates to civil actions in the courts of this state commenced after the tenth day of December eighteen hundred and fifty six, except where otherwise provided herein.

Justice Courts.

Jurisdiction of justice not charged.

SEC. 9. The courts of justice of the peace shall continue to exercise the jurisdicion now vested in them respectively, and the proceedings in such courts shall be as now prescribed by law, except as otherwise provided by this act.

Rules of pleading.

SEC. 10. The following rules of pleading and proceeding shall be observed in the courts of justice of the peace:

1.

Pleadings.

The pleadings in these cases are;
1. The complaint of the plaintiff;
2. The answer by the defendant.

2.

Pleadings how put in.

The pleadings may be oral or in writing; if oral, the substance shall be entered by the justice in his docket; if in writing, they shall be filed by him, and a reference to them be made in the docket.

3.

Complaints.

The complaint shall state in a plain and direct manner, the facts constituting the cause of action.

4.

Answer.

The answer may contain a denial of the complaint, or of any part thereof, and also notice in a plain and direct manner of any facts constituting a defence.

5.

Pleadings what to contain.

Pleadings are not required to be in any particular form, but must be such as to enable a person of common understanding to know what is intended.

6.

Demurrer.

Either party may demur to a pleading of his adversary, or any part thereof, where it is not sufficiently ex-

plicit to enable him to understand it, or it contain no cause of action or defense, although it be taken as true.

7.

If the court deem the objection well founded, it shall order the pleading to be amended, and if the party refuse to amend the defective pleading shall be disregarded. Proceedings on demurrer

8.

In case a defendant does not appear and answer, the plaintiff cannot recover without proving his case, except in cases provided by law. Plaintiff to prove his case if defendant do not appear.

9.

In an action or defence founded upon an account or an instrument for the payment of money only, it shall be sufficient for a party to deliver the account or instrument to the court and to state that there is due to him from the adverse party a specified sum which he claims to recover or set off. Proceedings in action on account of instrument for the payment of money only

10.

A variance between the proof on the trial and the allegation in a pleading shall be disregarded as immaterial, unless the court shall be satisfied that the adverse party has been misled to his prejudice thereby. Variance when disregarded.

11.

The pleadings may be amended at any time before the trial or during the trial or upon appeal, when, by such amendment, substantial justice will be promoted. If the amendment be made after the joining of the issue, and it be made to appear to the satisfaction of the court by oath that an adjournment is necessary to the adverse party, in consequence of such amendment an adjournment shall be granted. The court may, also, in its discretion, require as a condition of an amendment, the payment of costs to the adverse party, to be fixed by the court; but no amendment shall be allowed after a witness is sworn on a trial, when an adjournment thereby will be made necessary. Amending pleadings.

12.

Execution may be issued on a judgment heretofore or hereafter rendered in a justice court, at any time within two years after the rendition thereof, and shall be returnable thirty days from the date of the same. Execution when issuable and returnable

13.

Execution on justices judgment docketed

If the judgment be docketed with the clerk of the circuit court, the execution shall be issued by him to the sheriff of the county and have the same effect, and be executed in the same manner as other executions and judgments of the circuit court.

14.

Requiring party to exhibit his account.

The court may at the joining of issue, require either party, at the request of the other, at that or some other specified time, to exhibit his account or demand, or state the nature thereof as far forth as may be in his power, and in case of his default, preclude him from giving evidence of such parts thereof as shall not have been so exhibited or stated.

15.

Certain provisions made applicable to these courts.

The provisions of this act respecting forms of actions, parties to actions, and the examination of parties and witnesses shall apply to courts of justices of the peace.

Distinction between actions at law and suits in equity and form of all such actions and suits abolished.

SEC. 11. The distinction between actions at law and suits in equity, and the forms of all such actions and suits heretofore existing, are abolished; and there shall be in this state, hereafter, but one form of action for the enforcement or protection of private rights and the redress of private wrongs, which shall be denominated a civil action.

Parties to an action how designated.

SEC. 12. In such action, the party complaining, shall be known as the plaintiff, and the adverse party as the defendant.

Actions on judgment when and how brought.

SEC. 13. No action shall be brought upon a judgment rendered in any court of this state, except a court of the justice of the peace, between the same parties, without leave of the court, for good cause shown on notice to the adverse party; and no action on a judgment rendered by a justice of the peace shall be brought in the same county within two years after its rendition, except in cases of his death, resignation, incapacity to act, or removal from the county, or that the process was not personally served on the defendant, or on all the defendants, or in case of the death of some of the parties, or where the docket or record of such judgment is or shall have been lost or destroyed.

SEC. 14. Feigned issues are abolished, and instead thereof, in the cases where the power now exists to order a feigned issue, or when a question of fact, not put in issue by the pleadings, is to be tried by a jury. An order for the trial may be made, stating distinctly and plainly the question of fact to be tried, and such [order] shall be the only authority necessary for a new trial.

Feigned issues abolished and order for trial substituted.

SEC. 15. Every action must be prosecuted in the name of the real party in interest, except as otherwise provided in section seventeen; but this section shall not be deemed to authorize the assignment of a thing in action not arising out of a contract.

Action to be in the name of the real party in interest.

SEC. 16. In case of an assignment of a thing in action, the action of the assignee shall be without prejudice to any set off or other defence existing at the time of or before notice of the assignment, but this section shall not apply to a negotiable promissory note or bill of exchange transferred in good faith, and upon good consideration before due.

Assignment of a thing in action not to prejudice a defence.

SEC. 17. An executor or administrator, a trustee of an express trust, or a person expressly authorized by statute, may sue without joining with him the person for whose benefit the action is prosecuted; a trustee of an express trust, within the meaning of this section, shall be construed to include a person with whom or in whose name a contract is made for the benefit of another.

Executor or trustee may sue without the persons beneficially interested.

SEC. 18. When a married woman is a party, her husband must be joined with her, except that:

When a married woman is party the husband to be joined.

1. When the action concerns her seperate property, she may sue alone.

2. When the action is between herself and husband, she may sue, or be sued alone.

Except.

SEC. 19. But where the husband cannot be joined with her, as herein provided, she shall prosecute and defend by her next friend. repealed, L. 97 p. 93

When he cannot, must sue by next friend.

SEC. 20. When an infant is a party, he must appear by his next friend or guardian as now provided by law.

Infant to appear by guardian.

SEC. 21. All persons having an interest in the subject of the action and in obtaining the relief demanded, may be joined as plaintiffs, except as otherwise provided in this title.

Who may be joined as plaintiffs.

SEC. 22. Any person may be made a defendant who has or claims an interest in the controversy, adverse to the plaintiff, or who is a necessary party to a complete determination or settlement of the questions involved therein.

Who may be joined as defendants.

Parties united in interest when to be joined and when one or more may sue and defend for the whole.

SEC. 23. Of the parties to the action, those who are united in interest must be joined as plaintiffs or defendants; but if the consent of any one, who shall have been joined as plaintiffs, cannot be obtained, he may be made a defendant, the reason thereof being stated in the complaint, and when the question is one of a common or general interest of many persons, or when the parties are very numerous, and it may be impracticable to bring them all before the court, one or more may sue or defend for the benefit of the whole.

Plaintiff may sue in one action all the parties to commercial paper.

SEC. 24. Persons severally liable upon the same obligation or instrument, including the parties to bills of exchange and promissory notes, may all, or any of them, be included in the same action, at the option of the plaintiff.

Actions when not to abate by death, marriage, or other disability and procedure in such case.

SEC. 25. No action shall abate by the death, marriage, or other disability of a party, or by the transfer of any interest therein, if the cause of action survive or continue. In case of death, marriage or other disability of a party, the court, on motion at any time within one year thereafter or afterwards, on a supplemental complaint, may allow the action to be continued by or against his representative or successor in interest. In case of any other transfer of interest, the action shall be continued in the name of the original party, or the court may allow the person to whom the transfer is made, to be substituted in the action.

Court when to decide controversy or to order other parties to be brought in.

SEC. 26. The court may determine any controversy between the parties before it, when it can be done without prejudice to the rights of others or by saving their rights, but when a complete determination of the controversy cannot be had without the presence of other parties, the court shall order them to be brought in; and when in an action for the recovery of real or personal property, a person, not a party to the action, but having an interest in the subject thereof, makes application to the court to be made a party, it may order him to be brought in by the proper amendment. A defendant, against whom an action is pending, upon a cantract, or for specific, real or personal property, may at any time before answer, upon affidavit, that a person, not a party to the action, and without collusion with him makes against him a demand for the same debt or property, upon due notice to such person and the adverse party apply to the court for an order to substitute such person in his place, and discharge him from liability to either party, on his depositing in court the

Proceeding instead of bill of interpleader.

amount of the debt, or delivering the property or its value to such person as the court may direct, and the court may, in its discretion, make the order.

Certain actions to be tried where the subject is situated.

SEC. 27. Actions for the following causes must be tried in the county in which the subject of the action or some part thereof is situated, subject to the power of the court to change the place of trial in the cases provided by statute:

1. For the recovery of real property, or of an estate or interest therein, or for the determination in any form of such right or interest, and for injuries to real property.

2. For the protection of real property.

3. For the foreclosure of a mortgage of real property.

4. For the recovery of personal property distrained for any cause.

Other actions where the cause arose.

SEC. 28. Actions for the following causes must be tried in the county where the cause or some part thereof arose, subject to the like powers of the court to change the place of trial in the cases provided by statute:

1. For the recovery of a penalty or forfeiture imposed by statute, except that when it is imposed for an offense committed on a lake, river, or other stream of water, situated in two or more counties, the action may be brought in any county bordering on such lake, river, or stream where the offence was committed.

2. Against a public officer, or person specially appointed to execute his duties, for an act done by him in virtue of his office, or against a person who, by his command, or in his aid, shall do any thing touching the duties of such officer.

Other actions according to the residence of the parties unless changed on demand of defendant.

SEC. 29. In all other cases, the action shall be tried in the county in which the parties, or any of them, shall reside at the commencement of the action; or if none of the parties shall reside in the state, the same may be tried in any county which the plaintiff shall designate in his complaint, subject, however, to the power of the court to change the place of trial in the cases provided by the statute. If the county designated for that purpose in the complaint, be not the proper county, the action may, notwithstanding, be tried therein, unless the defendant, before the time for answering expire, demand, in writing, that the trial be had in the proper county, and the place of trial be thereupon changed by consent of parties, or by order of the court as provided in this section.

In what cases place of trial may be changed.

SEC. 30. The court may change the place of trial in the following cases:

1. Where the county designated for that purpose in the complaint, is not the proper county.

2. Where there is reason to believe that an impartial trial cannot be had therein.

3. When the convenience of witnesses, and the ends of justice would be promoted by the change.

Where the place of trial is changed papers to be transferred also.

SEC. 31. When the place of trial is changed, all other proceedings shall be had in the county to which the place of trial is changed, unless otherwise provided by the consent of the parties in writing duly filed, or order of the court, and the papers shall be filed or transferred accordingly.

Actions, how commenced.

SEC. 32. Civil actions in the courts of records of this state shall be commenced by the service of a summons with or without seal.

Summons, requisite of.

SEC. 33. The summons shall be subscribed by the plaintiff or his attorney, and directed to the defendant, and shall require him to answer the complaint, and serve a copy of his answer on the person whose name is subscribed to the summons at a place within the state to be therein specified, in which there is a post office, within twenty days after the service of the summons, exclusive of the day of service.

Notice to be inserted in certain actions

SEC. 34. The plaintiff shall also insert in the summons a notice in substance as follows:

1. In an action arising on contract for the recovery of money only, that he will take judgment for a sum specified therein, if the defendant fail to answer the complaint in twenty days after the service of the summons.

2. In other actions, that if the defendant shall fail to answer the complaint within twenty days after service of the summons, the plaintiff will apply to the court for the relief demanded in the complaint.

Complaint need not be served with summons, in such case summons must state where it is, or it will be filed.

SEC. 35. A copy of the complaint need not be served with the summons. In such case the summons shall state where the complaint is, or will be filed. And if the defendant, within twenty days thereafter, in person or by attorney, demand, in writing, a copy of the complaint, specifying a place within the state where it may be served; a copy of it shall be served within twenty days thereafter accordingly; and after such service, the defendant shall have twenty days to answer; but only one copy need be served on the same attorney. In the case

of a defendant against whom no personal claim is made in an action, the plaintiff may deliver to such defendant, with a summons, a notice subscribed by the plaintiff or his attorney, setting forth the general object of the action. A brief description of the property affected by it, if it affect specific, real, or personal property, and that no personal claim is made against such defendant, in which case no copy of the complaint need be served on such defendant, unless within the term for answering, he shall, in writing, demand the same.

When must be served.

When notice of object of suit may be served with summons.

SEC. 36. If a defendant on whom such notice is served, unreasonably defend the action, he shall pay costs to the plaintiff.

Defendant unreasonably defending when to pay costs.

SEC. 37. In an action affecting the title to real property, the plaintiff at the time of filing the complaint, or at any time afterwards, may file with the ~~clerk of the circuit court~~ of each county in which the property is situated, a notice of the pendency of the action, containing the names of the parties, the object of the action, and a description of the property in that county affected thereby, and if the action be for the foreclosure of a mortgage, such notice must be filed twenty days before judgment, and must contain the date of the mortgage, the parties thereto, and the time and place of recording the same. From the time of filing only, shall the pendency of the action be constructive notice to a purchaser or incumbrancer of the property affected thereby.

Notice of pendency of action affecting title to real property.

Register of Deeds, 25/04

SEC. 38. The summons may be served by the sheriff of county where the defendant may be found, or by any other person not a party to the action.

Summons, by whom served.

The service shall be made, and the summons returned, with proof of the service, to the person whose name is subscribed thereto, with all reasonable diligence.

The person subscribing the summons may, at his option, by an endorsement on the summons, fix a time for the service thereof, and the service then shall be made accordingly.

SEC. 39. The summons shall be served by delivering a copy thereof as follows:

Summons how served and returned.

1. If the suit be against a corporation to the president or other head of the corporation, secretary, cashier, treasurer, director, or managing agent thereof, but such service can be made in respect to a foreign corporation only when it has property within this state, or the cause of action arose therein.

2. If against a minor, under the age of fourteen years, to such minor personally, and also to his father, mother or guardian, or if there be none within the state, then to any person having the care and control of such minor, or with whom he shall reside, or in whose service he shall be employed.

3. If against a person judicially declared to be of unsound mind, or incapable of conducting his own affairs in consequence of habitual drunkenness, and for whom a committee has been appointed, to such committee, and to the defendant personally.

4. In all other cases to the defendant personally, or if not found, by leaving a copy thereof at his usual place of abode, in presence of some one of the family of suitable age and discretion who shall be informed of the contents thereof.

Affidavit—what to contain.

SEC. 40. When the person on whom the service of the summons is to be made, cannot after due diligence be found within the state, and that fact shall appear by affidavit to the satisfaction of a court or a judge thereof, or a county judge or court commissioner, and it shall in like manner appear that a cause of action exists against the defendant in respect to whom the service is to be made, or that he is a necessary or proper party to an action relating to real property in this state, such court or judge may grant an order that the service be made by the publication of a summons in either of the following cases:

In what cases publication may be made.

1. Where the defendant is a foreign corporation and has property within this state or the cause of action arose therein.

2. When the defendant being a resident of this state has departed therefrom with intent to defraud his creditors or avoid the service of a summons, or keeps himself concealed therein with the like intent.

3. Where he is a non-resident but has property therein, and the action is on contract, and the court has jurisdiction of the subject of the action.

4. Where the subject of the action is real or personal property in this state, and the defendant has or claims a lien or interest, actual or contingent therein, or the relief demanded consists wholly or partly in excluding the defendant from any interest or lien therein.

5. Where the action is for divorce in the cases prescribed by law:

The order shall direct the publication to be made in one newspaper, to be designated as most likely to give notice to the person to be served, and for such length of time as shall be deemed reasonable, not less than once a week for six weeks.

What the order shall contain.

In case of publication, the court or judge shall also direct a copy of the summons and complaint to be forthwith deposited in the post office, directed to the person to be served, at his place of residence, unless it appears that such residence is neither known to the party making the application, nor can with reasonable diligence be ascertained by him.

Personal service of summons and complaint equivalent to publication.

When the publication is ordered, personal service of a copy of the summons and complaint out of the state shall be equivalent to publication and deposit in the post office.

When defendant may be allowed to defend.

If the summons shall not be personally served on a defendant, nor received by such defendant, through the post office, in the cases provided for in this section, he, or his representatives shall, on application and sufficient cause shown, at any time before judgment be allowed to defend the action; and except in actions for divorce, the defendant or his representatives may, in like manner, upon good cause shown, be allowed to defend after judgment, or at any time within one year after notice thereof, and within three years after its rendition, on such terms as shall be just, except in actions for divorce; and if the defence be successful, and the judgment or any part thereof, shall have been collected or otherwise enforced, such restitution may thereupon be compelled as the court shall direct; and the court may require bonds to be given for such restitution before execution is issued, as is now required by law, but the title to property sold under such judgment, to a purchaser in good faith, shall not thereby be affected; and in all cases where publication is made, the complaint shall be first filed, and the summons as published shall state the time and place of such filing.

Bonds for restitution in all such cases. complaint to be first filed.

SEC. 41. When the action is against two or more defendants, and the summons is served on one or more but not on all of them, the plaintiff may proceed as follows:

Proceedings where there are several defendants, and part only are served.

1. If the action be against several persons jointly indebted upon a contract, he may proceed against the defendant served, unless the court shall otherwise direct; or,

2. In an action against defendants severally liable, he may proceed against the defendant or defendants served

in the same manner as if such defendant or defendants were the only parties proceeded against.

3. If all the defendants have been served, judgment may be taken against any or either of them severally, when the plaintiff would be entitled to judgment against such defendant or defendants, if the action had been against them, or any of them alone.

When service complete in case of publication.

SEC. 42. In the cases mentioned in section forty, the service of the summons shall be deemed complete at the expiration of the time prescribed by the order for publication.

Service of summons—how proved.

SEC. 43. Proof of the service of the summons and of the complaint, or notice, if any, accompanying the same, shall be as follows:

1. If served by the sheriff, his certificate thereof; or,

2. If by any other person, his affidavit thereof; or

3. In case of publication, the affidavit of the printer or his foreman or principal clerk, showing the same, and an affidavit of a deposit of a copy of the summons in the post office, as required by law, if the same shall have been deposited; or,

4. The written admission of the defendant. In case of service otherwise than by publication the certificate or affidavit shall state the time and manner of service.

When jurisdiction of action acquired.

SEC. 44. From the time of the service of the summons in a civil action or the allowance of a provisional remedy the court shall be deemed to have acquired jurisdiction, and to have control of all the subsequent proceedings. A voluntary appearace of a defendant is equivalent to a personal service of the summons upon him.

Forms of pleading heretofore existing, abolished.

SEC. 45. All the forms of pleading heretofore existing, are abolished, and hereafter the forms of pleading in civil actions, in courts of record, and the rules by which the sufficiency of the pleadings are determined are those prescribed by this act.

First pleading to be complaint.

SEC. 46. The first pleading on the part of the plaintiff is the complaint.

Complaint, what to contain.

SEC. 47. The complaint shall contain,

1. The title of the cause, specifying the name of the court in which the action is brought, the name of the county in which the plaintiff desires the trial to be had, and the names of the parties to the action, plaintiff and defendant.

2. A plain and concise statement of the facts constituting a cause of action without unnecessary repetition.

3. A demand of the relief to which the plaintiff supposes himself entitled; if the recovery of money be demanded the amount thereof shall be stated.

SEC. 48. The only pleading on the part of the defendant is either a demurrer or an answer. It must be served within twenty days after the service of the copy of the complaint.

Defendant to demur or answer.

SEC. 49. The defendant may demur to the complaint, when it shall appear upon the face thereof; either,

1. That the court has no jurisdiction of the person, of the defendant or the subject of the action; or,

2. That the plaintiff has not legal capacity to sue; or,

3. That there is another action pending between the same parties for the same cause; or,

4. That there is a defect of parties, plaintiff or defendant; or,

5. That several causes of action have been improperly united; or,

6. That the complaint does not state facts sufficient to constitute a cause of action.

When the defendant may demur, and causes of demur.

SEC. 50. The demurrer shall distinctly specify the grounds of objection to the complaint. Unless it do so, it may be disregarded. It may be taken to the whole complaint, or to any of the alleged causes of action stated therein.

Demurrer must specify grounds of objection to complaint.

SEC. 51. If the complaint be amended, a copy thereof must be served on the defendant, who must answer it within twenty days, or the plaintiff upon filing with the clerk, due proof of the service, and of the defendant's omission, may proceed to obtain judgment as provided by section one hundred and fifty eight, but where an application to the court for judgment is necessary, eight days notice thereof must be given to the defendant.

How to proceed if complaint be amended.

SEC. 52. When any of the matters enumerated in section forty-nine do not appear upon the face of the complaint, the objection may be taken by answer.

Objection not apppearing on complaint, may be taken by answer.

SEC. 53. If no such objection be taken either by demurrer or answer, the defendant shall be deemed to have waived the same, excepting only the objection to the jurisdiction of the court, and the objection that the complaint does not state facts sufficient to constitute a cause of action.

Objection, when deemed waived.

SEC. 54. The answer of the defendant must contain—

1. A general or specific denial of each material allegation of the complaint, controverted by the defendant, or of

Answer, what to contain.

any knowledge or information thereof sufficient to form a belief.

2. A statement of any new matter constituting a defence or counter-claim, in ordinary and concise language, without repetition.

What constitutes a counter claim.

SEC. 55. The counter claim mentioned in the last section, must be one existing in favor of a defendant and against a plaintiff, between whom a several judgment might be had in the action, and arising out of one of the following causes of action:

1. A cause of action arising out of the contract or transaction set forth in the complaint, as the foundation of the plaintiff's claim or connected with the subject of the action.

2. In an action arising on contract, any other cause of action arising also on contract and existing at the commencement of the action.

May set forth as many grounds of defence as exist, but must be separately stated.

SEC. 56. The defendant may set forth by answer as many defences and counter claims as he may have, whether they be such as have been heretofore denominated legal or equitable, or both; they must each be separately stated, and refer to the causes of action which they are intended to answer in such manner that they may be intelligibly distinguished.

Demurrer as to some causes of action and answer as to others.

SEC. 57. The defendant may demur to one or more of several causes of action stated in the complaint and answer the residue.

Sham defences to be stricken out on motion.

SEC. 58. Sham and irrelevant answers and defences may be stricken out on motion, and upon such terms as the court may, in their discretion, impose.

Reply when necessary, and what to contain.

SEC. 59. When the answer contains new matter, constituting a counter claim, the plaintiff may, within twenty days, reply to such new matter, denying, generally or specially, each allegation controverted by him, or any knowledge or information thereof, sufficient to form a belief, and he may allege, in ordinary and concise language, any new matter not inconsistent with the complaint constituting a defence to such new matter in the answer, and the plaintiff may, in all cases, demur to the answer, for insufficiency, stating, in his demurrer, the grounds thereof, and the plaintiff may demur to one or more of several defences or counter-claims, set up in the answer, and reply to the residue of the counterclaim.

In what cases plaintiff may demur to answer.

When defendant may move for judgment upon an ac-

SEC. 60. If the answer contain a statement of new matter constituting a counter claim, and the plaintiff fail to reply or demur thereto within the time prescribed by law,

the defendant may move, on a notice of not less than ten days, for such judgment as he is entitled to upon such statement, and if the case require it, a writ of inquiry of damages may be issued.

Demurrer to reply.

SEC. 61. If a reply of the plaintiff to any defence set up by the answer of the defendant be insufficient, the defendant may demur thereto, and shall state the grounds thereof.

Pleadings, how subscribed and when verified.

SEC. 62. Every pleading in a court of record must be subscribed by the party, or his attorney, and when any pleading is verified, every subsequent pleading, except a demurrer, must be verified also.

Verification of pleadings.

SEC. 63. The verification must be to the effect, that the same is true to the knowledge of the person making it, except as to those matters stated on information and belief, and as to those matters he believes it to be true, and must be by the affidavit of the party, or if there be several parties united in interest and pleading together, by one at least of such parties acquainted with the facts, if such party be within the county where the attorney resides, and capable of making the affidavit. The affidavit may also be made by the agent or attorney, if the action or defence be founded upon a written instrument for the payment of money only, and such instrument be in the possession of the agent or attorney; or if all the material allegations of the pleadings be within the personal knowledge of the agent or attorney. When the pleading is verified by any other person than the party, he shall set forth in the affidavit his knowledge, or the grounds of his belief on the subject, and the reasons why it is not made by the party. When a corporation is a party, the verification may be made by any officer thereof. And when the state, or any officer thereof in its behalf is a party, the verification may be made by any person acquainted with the facts. The verification may be omitted when an admission of the truth of the allegations might subject the party to prosecution for felony. And no pleading can be used in a criminal prosecution against the party as proof of a fact admitted or alleged in such pleading.

How to state an account in pleading.

SEC. 64. It shall not be necessary for a party to set forth in a pleading the items of an account therein alleged, but he shall deliver to the adverse party, within ten days after a demand thereof, in writing, a copy of the account, which, if the pleading is verified, must be verified by his own oath, or that of his agent or attorney, if within the

personal knowledge of such agent or attorney, to the effect that he believes it to be true, or be precluded from giving evidence thereof. The court, or a judge thereof, or a county judge, may order a further account when the one delivered is defective; and the court may in all cases order a bill of particulars of the claim of either party to be furnished.

Pleadings to be liberally construed.

SEC. 65. In the construction of a pleading for the purpose of determining its effect, its allegations shall be liberally construed with a view to substantial justice between the parties.

Irrelevant and redundant matter to be stricken out.

SEC. 66. If irrelevant and redundant matter be inserted in a pleading, it may be stricken out on motion of any person aggrieved thereby; and when the allegations of a pleading are so indefinite or uncertain, that the precise nature of the charge or defence is not apparent, the court may require the pleading to be made definite and certain by amendment.

Judgments how to be pleaded.

SEC. 67. In pleading a judgment or other determination of a court or officer of special jurisdiction, it shall not be necessary to state the facts conferring jurisdiction, but such judgment or determination may be stated to have been duly given or made. If such allegation be controverted, the party pleading shall be bound to establish on the trial the facts conferring jurisdiction.

Condition precedent how to be pleaded.

SEC. 68. In pleading the performance of conditions precedent in a contract, it shall not be necessary to state the facts showing such performance, but it may be stated generally that the party duly performed all the conditions on his part, and if such allegation be controverted, the party pleading shall be bound to establish on the trial the facts showing such performance. In an action or defence founded upon an instrument for the payment of money only, it shall be sufficient for the party to give a copy of the instrument, and to state that there is due to him thereon from the adverse party a specified sum which he claims.

Private statutes, how pleaded.

SEC. 69. In pleading a private statute or a right derived therefrom, it shall be sufficient to refer to such statute by its title, and the day of its passage, and the court shall thereupon take judicial notice thereof.

Libel and slander—how stated in complaint.

SEC. 70. In an action for libel or slander, it shall not be necessary to state in the complaint any extrinsic facts for the purpose of showing the application to the plaintiff of the defamatory matters out of which the cause of action

arose; but it shall be sufficient to state generally, that the same was published or spoken concerning the plaintiff, and if such allegation be controverted, the plaintiff shall be bound to establish, on trial, that it was so published or spoken.

Answer in such cases.

SEC. 71. In the actions mentioned in the last section, the defendant may, in his answer, allege both the truth of the matter charged as defamatory, and any mitigating circumstances, to reduce the amount of damages; and whether he prove the justification or not, he may give in evidence the mitigating circumstances.

In action to recover property distrained for damage — answer need not set forth title.

SEC. 72. In an action to recover the possession of property distrained, doing damage, an answer that the defendant or person by whose command he acted was lawfully possessed of the real property upon which the distress was made, and that the property distrained was at the time doing damage thereon, shall be good without setting forth the title to such real property.

What causes of action may be joined in same action.

SEC. 73. The plaintiff may unite in the same complaint several causes of action, whether they be such as have been heretofore denominated legal or equitable or both, where they arise out of—

1. The same transaction or transactions connected with the same subject of action;
2. Contract, express or implied;
3. Injuries with or without force to person and property, or either; or,
4. Injuries to character; or,
5. Claims to recover real property with or without damages for the withholding thereof, and the rents and profits of the same; or,
6. Claims to recover personal property with or without damages for the withholding thereof; or,
7. Claims against a trustee by virtue of a contract, or by operation of law.

To what such causes must belong.

SEC. 74. But the causes of action so united must all belong to one of these classes, and must affect all the parties to the action, and not require different places of trial, and must be stated respectively [separately.]

Allegation not denied when to be deemed true.

SEC. 75. Every material allegation of the complaint not controverted by the answer, as prescribed in section 54, and every material allegation of new matter in the answer constituting a counter claim, not controverted by the reply, as prescribed in section 59, shall, for the purposes of the action, be taken as true.

What matters deemed controverted without reply.

SEC. 76. But the allegation of new matter in the answer, not relating to a counter claim, or of new matter in a reply, is to be deemed controverted by the adverse party as upon a direct denial or avoidance, as the case may require.

Material variance—how provided for.

SEC. 77. No variance between the allegation in a pleading and the proof shall be deemed material, unless it shall actually mislead the adverse party to his prejudice in maintaining his action or defence upon its merits. Wherever it shall be alleged that a party has been so misled, that fact shall be proved to the satisfaction of the court, and in what respect he has been misled, and thereupon the court may order the pleading to be amended upon such terms as may be just.

Immaterial variance—how provided for.

SEC. 78. Where the variance is not material as provided in the last section, the court may direct the fact to be found in accordance with the evidence, or may order an immediate amendment without costs.

What to be deemed a variance.

SEC. 79. When, however, the allegation of the cause of action or defence to which the proof is directed, is unproved, not in some particular or particulars only, but in its entire scope and meaning, it shall not be deemed a case of variance within the last two sections, but a failure of proof.

Amendments of course and after demurrer.

SEC. 80. Any pleading may be once amended by the party of course without costs, and without prejudice to the proceeding already had, at any time before the period for answering it expires, or it can be so amended at any time within twenty days after the service of the answer or demurrer to such pleading, unless it be made to appear to the court that it was done for the purpose of delay, and the plaintiff or defendant will thereby lose the benefit of a term or circuit for which it is or may be noticed, and if it appear to the court, that such amendment was made for that purpose, the same may be stricken out and such terms imposed as to the court may seem just. In such case a copy of the amended pleading must be served on the adverse party. After the decision of a demurrer, either at a general or special term, the court may, in its discretion, if it appear that the demurrer was interposed in good faith, allow the party to plead on such terms as may seem just. If the demurrer be allowed for the cause mentioned in the 5th sub-division of section 49, the court may, in its discretion, and upon such terms as may be just, order the action to be divided into as many

actions as may be necessary to the proper determination of the cause of action therein mentioned.

Amendments by the court.

SEC. 81. The court may, before or after judgment, in furtherance of justice, and upon such terms as may be proper, amend any pleading or proceedings, by adding or striking out the name of any party, or by correcting a mistake in the name of a party, or a mistake in any other respect, or by inserting other allegations material to the case; or when the amendment does not change substantially the claim or defence, by conforming the pleading or proceeding to the facts proved.

General control of court over proceeding.

SEC. 82. The court may likewise in its discretion, and upon such terms as may be just, allow an answer or reply to be made, or other act to be done, after the time limited by this act, or by an order enlarge such time; and may also in its discretion and upon such terms as may be just, at any time within one year after notice thereof, relieve a party from a judgment, order or other proceeding taken against him through his mistake, inadvertance or surprise, or excusable neglect, and may supply an omission in any proceeding; and whenever any proceeding taken by a party fails to conform in any respect to the provisions of this code, the court may in like manner and upon like terms, permit an amendment of such proceeding so as to make it conformable thereto.

Suing a party by fictitious name, when allowed.

SEC. 83. When the plaintiff shall be ignorant of the name of a defendant, such defendant may be designated in any pleading or proceeding by any name; and when his true name shall be discovered, the pleading or proceeding may be amended accordingly.

No error or defect to be regarded unless it affects substantial rights.

SEC. 84. The court shall, in every stage of an action, disregard any error or defect in the pleadings or proceedings, which shall not affect the substantial rights of the adverse party; and no judgment shall be reversed or affected by reason of such error or defect.

Supplemental complaints, answer and reply.

SEC. 85. The plaintiff and defendant respectively may be allowed, on motion, to make a supplemental complaint, answer or reply, alleging facts material to the case, occurring after the former complaint, demur or reply, or of which the party was ignorant when his former pleading was made.

No person to be arrested except as prescribed by this act.

SEC. 86. No person shall be arrested in a civil action except as prescribed by this act; but this provision shall not apply to proceedings for contempts.

Cases in which defendant may be arrested.

SEC. 87. The defendant may be arrested, as hereinafter prescribed, in the following cases:

1. In an action for the recovery of damages, on a cause of action not arising out of contract where the defendant is not a resident of the state or is about to remove therefrom, or where the action is for an injury to person or character, or for injuring, or for wrongfully taking, detaining, or converting property.

2. In an action for a fine or penalty, or for money received, or for property embezzled, or fraudulently misapplied by a public officer, or by an attorney, solicitor, or counselor, or by an officer or agent of a corporation or banking association, in the course of his employment as such, or by any factor, agent, broker, or any person in a fiduciary capacity, or for any misconduct or neglect in office, or in a professional employment.

3. In an action to recover possession of personal property unjustly detained, where the property, or any part thereof, has been concealed, removed or disposed of, so that it cannot be found or taken by the sheriff.

But no female shall be arrested in any action except for a wilful injury to person, character or property.

Order for arrest--by whom made.

SEC. 88. An order for the arrest of the defendant must be obtained from a judge of the court in which the action is brought, or from a county judge, or court commissioner.

Affidavit to obtain order.

SEC. 89. The order may be made where it shall appear to the judge or commissioner, by the affidavit of the plaintiff, or of any other person, that a sufficient cause of action exists, and that the case is one of those mentioned in section 87.

Security by plaintiff before order for arrest.

SEC. 90. Before making the order, the judge or commissioner shall require a written undertaking on the part of the plaintiff, with or without sureties, to the effect that if the defendant recover judgment, the plaintiff will pay all costs that may be awarded to the defendant, and all damages which he may sustain by reason of the arrest not exceeding the sum specified in the undertaking, which shall be at least one hundred dollars. If the undertaking be executed by the plaintiff without sureties, he shall annex thereto an affidavit that he is a resident and householder or freeholder within the state, and worth double the sum specified in the undertaking, above all his debts and liabilities.

Order, when made and its form.

SEC. 91. The order may be made to accompany the summons, or at any time afterwards before judgment. It shall

require the sheriff of the county, where the defendant may be found, forthwith to arrest him, and hold him to bail in a specified sum, and to return the order at a time and place therein mentioned, to the plaintiff or attorney by whom it shall be subscribed or endorsed.

Affidavit and order to be delivered to the sheriff and copy served on defendant.

SEC. 92. The affidavit and order of arrest shall be delivered to the sheriff, who, upon arresting the defendant, shall deliver to him a copy thereof.

Arrest, how made.

SEC. 93. The sheriff shall execute the order, by arresting the defendant, and keeping him in custody until discharged by law; and may call the power of the county to his aid in the execution of the arrest as in case of process.

Defendant to be discharged on bail or deposit.

SEC. 94. The defendant, at any time before execution, shall be discharged from the arrest, either upon giving bail, or upon depositing the amount mentioned in the order of arrest, as provided in this chapter.

Bail, how given.

SEC. 95. The defendant may give bail, by causing a written undertaking to be executed by two or more sufficient bail, stating the places of residence and occupations, to the effect that the defendant shall, at all times, render himself amenable to the process of the court during the pendency of the action, and to such as may be issued to enforce the judgment therein; or if he be arrested for the cause mentioned in the third sub-division of section 87, an undertaking to the same effect as that provided by section 119.

Surrender of defendant.

SEC. 96. At any time before a failure to comply with their undertaking, the bail may surrender the defendant in their exoneration, or he may surrender himself to the sheriff of the county where he was arrested, in the following manner:

1. A certified copy of the undertaking of the bail shall be delivered to the sheriff, who shall detain the defendant in his custody thereon, as upon an order of arrest, and shall by a certificate in writing acknowledge the surrender.

2. Upon the production of a copy of the undertaking and sheriff's certificate, a judge of the court or county judge, or court commissioner, may, upon a notice to the plaintiff, of eight days, with a copy of the certificate, order that the bail be exonerated; and on filing the order and the papers used on such application, they shall be exonerated accordingly.

But this section shall not apply to the arrest for the causes mentioned in the third sub-division of section 87,

so as to discharge the bail from an undertaking given to the effect provided by section 119.

Bail may arrest and surrender.

SEC. 97. For the purpose of surrendering the defendant, the bail, at any time or place, before they are finally charged, may themselves arrest him, or by a written authority, endorsed on a certified copy of the undertaking, may empower any person of suitable age and discretion to do so.

Bail, how proceeded against.

SEC. 98. In case of failure to comply with the undertaking, the bail may be proceeded against by action only.

Bail, how exonerated.

SEC. 99. The bail may be exonerated, either by the death of the defendant, or his imprisonment in a state prison, or by his discharge from the obligation to render himself amenable to the porcess, or by his surrender to the sheriff of the county where he was arrested, in execution thereof, within twenty days after the commencement of the action against the bail, or within such further time as may be granted by the court.

Delivery of undertaking to plaintiff.

SEC. 100. Within the time limited for that purpose, the sheriff shall deliver the order of arrest to the plaintiff or attorney, by whom it is subscribed, with his return endorsed, and a certified copy of the undertaking of the bail. The plaintiff within ten days thereafter, may serve upon the sheriff, a notice that he does not accept the bail, or he shall be deemed to have accepted it, and the sheriff shall be exonerated from liability.

Notice of justification and new undertaking if other bail.

SEC. 101. On the receipt of such notice, the sheriff or defendant may, within ten days thereafter, give to the plaintiff or attorney by whom the order of arrest is subscribed, notice of justification of the same, or other bail, (specifying the places of residence and occupations of the latter) before a judge of the court or county judge, or justice of the peace, at a specified time and place, the time to be not less than five nor more than ten days thereafter. In case other bail be given, there shall be a new undertaking, in the form prescribed in section 95.

Qualification of bail

SEC. 102. The qualifications of bail must be as follow:

1. Each of them must be a resident, and householder or freeholder, within the state.

2. They must each be worth the amount specified in the order of arrest, exclusive of property exempt from execution, but a judge, or a justice of the peace, on justification, may allow more than two bail to justify severally in amounts less than that expressed in the order, if the

whole justification be equivalent to that of two sufficient bail.

SEC. 103. For the purpose of justification, each of the bail shall attend before the judge, or a justice of the peace, at the time and place mentioned in the notice, and may be examined on oath, on the part of the plaintiff, touching his sufficiency, in such manner as the judge or justice of the peace, in his discretion, may think proper. The examination shall be reduced to writing, and subscribed by the bail, if required by the plaintiff. **How to justify**

SEC. 104. If the judge or justice of the peace find the bail sufficient, he shall annex the examination to the undertaking, endorse his allowance thereon, and cause them to be filed with the court; and the sheriff shall thereupon be exonerated from liability. **Allowance of undertaking.**

SEC. 105. The defendant may, at the time of his arrest, instead of giving bail, deposit with the sheriff the amount mentioned in the order. The sheriff shall thereupon give the defendant a certificate of the deposit, and the defendant shall be discharged out of custody. **Deposit of money with sheriff.**

SEC. 106. The sheriff shall, within four days after the deposit, pay the same into court, and shall take from the officer receiving the same two certificates of payment, the one of which he shall deliver to the plaintiff, and the other to the defendant. For any default in making such payment, the same proceedings may be had on the official bond of the sheriff, to collect the sum deposited, as in other cases of delinquency. **Payment of money into court by sheriff.**

SEC. 107. If money be deposited, as provided in the last two sections, bail may be given and justified upon notice, as prescribed in section 101, any time before judgment; and thereupon the judge before whom the justification is had, shall direct, in the order of allowance, that the money deposited be refunded by the sheriff to the defendant, and it shall be refunded accordingly. **Substitution of bail for deposit.**

SEC. 108. Where money shall have been so deposited, if it remain on deposit at the time of an order or judgment for the payment of money to the plaintiff, the clerk shall, under the direction of the court, apply the same in satisfaction thereof, and after satisfying the judgment, shall refund the surplus, if any, to the defendant. If the judgment be in favor of the defendant, the clerk shall refund to him the whole sum deposited, and remaining unapplied. **Money deposited—how applied or disposed of.**

Sheriff, when liable as bail, and his discharge from liability.

SEC. 109. If after being arrested, the defendant escape or be rescued, or bail be not given or justified, or a deposit be not made instead thereof, the sheriff shall himself be liable as bail. But he may discharge himself from such liability by the giving and justification of bail as provided in sections 101, 102, 103 and 104, at any time before process against the person of the defendant to enforce an order or judgment in the action.

Proceedings on judgment against sheriff

SEC. 110. If a judgment be recovered against a sheriff, upon his liability, as bail, and an execution thereon be returned unsatisfied, in whole or in part, the same proceedings may be had on the official bond of the sheriff to collect the delinquency, as in other cases of delinquency.

Bail liable to sheriff.

SEC. 111. The bail taken upon the arrest, shall, unless they justify, or other bail be given or justified, be liable to the sheriff by action for damages which he may sustain by reason of such omission.

Motion to vacate arrest or reduce bail.

SEC. 112. A defendant arrested may, at any time before the justification of bail, apply, on motion, to vacate the order of arrest, or to reduce the amount of bail.

Affidavits on motion.

SEC. 113. If the motion be made upon affidavit on the part of the defendant, but not otherwise, the plaintiff may oppose the same by affidavit or other proof, in addition to those on which the order or arrest was made.

Delivery of personal property, when it may be claimed.

SEC. 114. The plaintiff, in an action to recover the possession of personal property, may, at the time of issuing the summons, or at any time before answer, claim the immediate delivery of such property, as provided in this chapter.

Affidavit and its requisites.

SEC. 115. Where a delivery is claimed, an affidavit must be made by the plaintiff, or by some one on his behalf, showing:

1. That the plaintiff is the owner of the property claimed, (particularly describing it,) or is lawfully entitled to the possession thereof, by virtue of a special property therein, the facts in respect to which shall be set forth.

2. That the property is wrongfully detained by the defendant.

3. The alleged cause of the detention thereof, according to his best knowledge, information and belief.

4. That the same has not been taken for a tax, assessment or fine, pursuant to a statute, or seized under an execution or attachment against the property of the plaintiff, or if so seized, that it is by statute exempt from such seizure; and

5. The actual value of the property.

SEC. 116. The plaintiff may thereupon, by an endorsement in writing upon the affidavit, require the sheriff of the county where the property claimed may be, to take the same from the defendant, and deliver it to the plaintiff.

Requisition to sheriff to take and deliver the property.

SEC. 117. Upon the receipt of the affidavit and notice, with a written undertaking, executed by one or more sufficient sureties, approved by the sheriff, to the effect that they are bound in double the value of the property as stated in the affidavit, for the prosecution of the action, for the return of the property to the defendant, if return thereof be adjudged, and for the payment to him of such sum as may for any cause be recovered against the plaintiff, the sheriff shall forthwith take the property described in the affidavit, if it be in the possession of the defendant or his agent, and retain it in his custody. He shall also, without delay, serve on the defendant a copy of the affidavit, notice and undertaking, by delivering the same to him personally, if he can be found, or his agent, from whose possession the property is taken; or, if neither can be found, by leaving them at the usual place of abode of either, with some person of suitable age and discretion.

Security on part of the plaintiff and justification.

SEC. 118. The defendant may, within three days after the service of a copy of the affidavit and undertaking, give notice to the sheriff that he excepts to the sufficiency of the sureties. If he fails to do so, he shall be deemed to have waived all objection to them. When the defendant excepts, the sureties shall justify, on notice, in like manner as upon bail on arrest. And the sheriff shall be responsible for the sufficiency of the sureties until the objection to them is either waived as above provided, or until they justify, or new sureties shall be substituted and justify. If the defendant except to the sureties, he cannot reclaim the property as provided in the next section.

Exception to sureties and proceedings thereon or on failure to except.

SEC. 119. At any time before the delivery of the property to the plaintiff, the defendant may, if he do not except to the sureties of the plaintiff, require the return thereof, upon giving to the sheriff a written undertaking, executed by two or more sufficient sureties, to the effect that they are bound, in double the value of the property, as stated in the affidavit of the plaintiff, for the delivery thereof to the sheriff, if such delivery be adjudged, and for the payment to him of such sum as may for any cause be recovered against the defendant. If a return of the

Defendant when entitled to re-delivery.

property be not so required within three days after the taking and service of notice to the defendant, it shall be delivered to the plaintiff, except as provided in section 124.

Justification of defendant's securities.

SEC. 120. The defendant's sureties, upon a notice to the plaintiff, of not less than two nor more than six days, shall justify before a judge or justice of the peace, in the same manner as upon bail on arrest; upon such justification the sheriff shall deliver the property to the defendant. The sheriff shall be responsible for the defendant's sureties, until they justify, or until justification is completed, or expressly waived, and may retain the property until that time, but if they, or others in their place, fail to justify at the time and place appointed, he shall deliver the property to the plaintiff.

Qualification and justification of sureties.

SEC. 121. The qualification of sureties and their justification shall be as prescribed by sections 102 and 103, in respect to bail upon an order of arrest.

Property, how taken when concealed in building or enclosure.

SEC. 122. If the property or any part thereof be concealed in a building or enclosure, the sheriff shall publicly demand its delivery; if it be not delivered, he shall cause the building or enclosure to be broken open and take the property into his possession; and if necessary he may call to his aid the power of his county.

Property—how kept.

SEC. 123. When the sheriff shall have taken property, as in this chapter provided, he shall keep it in a secure place, and deliver it to the party entitled thereto, upon receiving his lawful fees for taking, and his necessary expenses for keeping the same.

Claim of property by third person and proceedings thereon.

SEC. 124. If the property taken be claimed by any other person than the defendant or his agent, and such person shall make affidavit of his title thereto, and right to the possession thereof, stating the grounds of such right and title, and serve the same upon the sheriff, the sheriff shall not be bound to keep the property, or deliver it to the plaintiff, unless the plaintiff, on demand of him or his agent, shall indemnify the sheriff against such claim by an undertaking, executed by two sufficient sureties, accompanied by their affidavits, that they are each worth double the value of the property, as specified in the affidavit of the plaintiff, and freeholders and householders of the county. And no claim to such property by any other person than the defendant or his agent, shall be valid against the sheriff unless made as aforesaid, and notwithstanding such claim, when so made, he may retain the property a reasonable time to demand such indemnity.

SEC. 125. The sheriff shall file the notice and affidavit with the proceedings thereon, with the clerk of the court in which the action is pending, within twenty days after taking the property mentioned therein.

Notice and affidavit—when and where to be filed.

SEC. 126. The writ of injunction may be in the form of an order as prescribed in this act. The order may be made by the court in which the action is brought, or by a judge thereof, or by a county judge or court commissioner, in the cases provided in the next section; and, when made, may be enforced as the order of the court.

Injunction may be in the form of an order.

SEC. 127. Where it shall appear by the complaint that the plaintiff is entitled to the relief demanded, and such relief, or any part thereof, consists in restraining the commission or continuance of some act, the commission or continuance of which, during the litigation, would produce injury to the plaintiff, or when, during the litigation, it shall appear that the defendant is doing, or threatens, or is about to do, or procuring or suffering some act to be done in violation of the plaintiff's rights, respecting the subject of the action, and tending to render the judgment ineffectual, a temporary injunction may be granted to restrain such act. And when, during the pendency of an action, it shall appear by affidavit, that the defendant threatens, or is about to remove or dispose of his property with intent to defraud his creditors, a temporary injunction may be granted to restrain such removal or disposition.

Injunction in what cases granted.

SEC. 128. The injunction may be granted at the time of commencing the action, or at any time afterwards before judgment, upon its appearing satisfactorily to the court or judge, or court commissioner, by the affidavit of the plaintiff, or of any other person, that sufficient grounds exist therefor. A copy of the affidavit must be served with the injunction.

At what time it may be be granted and upon what granted.

SEC. 129. An injunction shall not be allowed after the defendant shall have answered, unless upon notice, or upon an order to show cause; but in such case the defendant may be restrained, until the decision of the court or judge, granting or refusing the injuction.

Notice when required—temporary injunction.

SEC. 130. Where no provision is made by statute, as to security upon an injunction, the court or judge or commissioner shall require a written undertaking, on the part of the plaintiff, with or without securities, to the effect that the plaintiff will pay to the party enjoined, such damages, not exceeding an amount to be specified, as he may sustain by reason of the injunction, if the court shall finally

Security upon injunction and damages thereon—how ascertained.

decide that the plaintiff was not entitled thereto. The damages may be ascertained by a reference or otherwise, as the court shall direct.

Order to show cause why injunction should not be granted.

SEC. 131. If the court or judge or commissioner deem it proper that the defendant, or any of several defendants, should be heard before granting the injunction, an order may be made, requiring cause to be shown, at a specified time and place, why the injunction should not be granted; and the defendant may, in the meantime, be restrained.

Security upon injunction to suspend business of corporation.

SEC. 132. An injunction to suspend the general and ordinary business of a corporation, shall not be granted, except by the court or judge thereof; nor shall it be granted without due notice of the application therefor, to the proper officers of the corporation, except where the people of this state are a party to the proceeding, unless the plaintiff shall give a written undertaking, executed by two sufficient sureties, to be approved by the court or judge, to the effect, that the plaintiff will pay all damages, not exceeding the sum to be mentioned in the undertaking, which such corporation may sustain, by reason of the injunction, if the court shall finally decide that the plaintiff was not entitled thereto. The damages may be ascertained by a reference, or otherwise, as the court shall direct.

Motion to vacate or modify injunction.

SEC. 133. If the injunction be granted by a judge of the court, or by a county judge, or court commissioner, without notice, the defendant, at any time before the trial, may apply, upon notice, to the judge of the court in which the action is brought, to vacate or modify the same. The application may be made upon the complaint and the affidavit on which the injunction was granted or upon affidavits on the part of the defendant, with or without the answer.

Affidavits on motion.

SEC. 134. If the application be made upon affidavits on the part of the defendant, but not otherwise, the plaintiff may oppose the same by affidavits or other proofs, in addition to those on which the injunction was granted.

Attachments, when may issue and in what cases.

SEC. 135. In an action for the recovery of money against a corporation created by or under the laws of any other state, government, or country, or against a defendant who is not a resident of this state, or against a defendant who has absconded or concealed himself; or

When the defendant has been guilty of a fraud in contracting the debt, or incurring the obligation for which

the action is brought, or in concealing or disposing of the property, for the taking, detention or conversion of which the action is brought; or

When the defendant has removed or disposed of his property, or is about to do so, with intent to defraud his creditors. The plaintiff, at the time of issuing the summons, or at any time afterwards, may have the property of such defendant attached in the manner hereinafter prescribed, as a security for the satisfaction of such judgment as the plaintiff may recover.

Warrant of attachment and by whom granted.

SEC. 136. A warrant of attachment must be obtained from a judge of the court in which the action is brought or from a county judge or court commissioner.

In what cases warrant may be issued.

SEC. 137. The warrant may be issued whenever it shall appear, by affidavit, that a cause of action exists against such defendant, specifying the amount of the claim, and the grounds thereof, and that the case is one of those mentioned in section 135.

Security on attachment.

SEC. 138. Before issuing the warrant, the judge or commissioner shall require a written undertaking on the part of the plaintiff, with sufficient surety, to the effect that if the defendant recover judgment the plaintiff will pay all costs that may be awarded to the defendant, and all damages which he may sustain by reason of the attachment, not exceeding the sum specified in the undertaking, which shall be at least two hundred and fifty dollars.

Warrants, to whom directed and what to require.

SEC. 139. The warrant shall be directed to the sheriff of any county in which property of such defendant may be, and shall require him to attach and safely keep all the property of such defendant within his county, or so much thereof as may be sufficient to satisfy the plaintiff's demand, together with costs and expenses; the amount of which must be stated in conformity with the complaint, together with costs and expenses. Several warrants may be issued at the same time to the sheriffs of different counties.

Mode of proceeding in executing warrant.

SEC. 140. The sheriff to whom such warrant of attachment is directed and delivered, shall proceed thereon in all respects in the manner required of him by law, in case of attachments; shall make and return an inventory, and shall keep the property seized by him, or the proceeds of such as shall have been sold, to answer any judgment which may be obtained in such action; and shall, subject to the direction of the court or judge, collect and receive into his possession all debts, credits and effects of the de-

fendant. The sheriff may also take such legal proceedings, either in his own name, or in the name of such defendant, as may be necessary for that purpose, and discontinue the same at such times, and on such terms as the court or judge may direct.

Proceeding in case of perishable property or vessels.

SEC. 141. If any property so seized shall be perishable, or if any part of it be claimed by any other person than such defendant, or if any part of it consist of a vessel, or of any share or interest therein, the same proceedings shall be had in all respects as are provided by law upon attachments.

Interest in corporation and association liable to attachment.

SEC. 142. The right or shares which such defendant may have in the stock of any association or corporation, together with the interest and profits thereon, and all other property in this state of such defendant, shall be liable to be attached and levied upon and sold to satisfy the judgment and execution.

Attachment—how executed on property incapable of manual delivery.

SEC. 143. The execution of the attachment upon any such rights, shares, or any debts or other property incapable of manual delivery to the sheriff, shall be made by leaving a certified copy of the warrant of attachment with the president or other head of the association or corporation, or the secretary, cashier, or managing agent thereof, or with the debtor or individual holding such property, with a notice showing the property levied on.

Certificates of defendants interest to be furnished by corporation.

SEC. 144. Whenever the sheriff shall with a warrant of attachment or execution against the defendant, apply to such officer, debtor or individual for the purpose of attaching or levying upon such property, such officer, debtor or individual shall furnish him with a certificate under his hand, designating the number of rights or shares of the defendant in the stock of such association or corporation, with any dividend or any incumbrance thereon, or the amount and description of the property held by such association, corporation or individual, for the benefit of or debt owing to the defendant. If such officer, debtor or individual refuse to do so, he may be required by the court or judge, to attend before him and be examined on oath concerning the same, and obedience to such order may be enforced by attachment.

Judgment—how satisfied.

SEC. 145. In case judgment be entered for the plaintiff in such action, the sheriff shall satisfy the same out of the property attached by him, if it shall be sufficient for that purpose;

1. By paying over to such plaintiff the proceeds of all sales of perishable property, and of any vessel or share or interest in any vessel sold by him, or of any debts or credits collected by him, or so much as shall be necessary to satisfy such judgment.

By paying over avails of sales of perishable property.

2. If any balance remain due, and an execution shall have been issued on such judgment, he shall proceed to sell under such execution, so much of the attached property, real or personal, except as provided in sub-division four of this section, as may be necessary to satisfy the balance, if enough for that purpose shall remain in his hands; and in case of the sale of any rights or shares, in the stock of a corporation or association, the sheriff shall execute to the purchaser a certificate of sale thereof, and the purchaser shall thereupon have all the rights and privileges in respect thereto, which were had by such defendant.

By issuing execution against attached property.

Rights or shares in corporations, how disposed of.

3. If any of the attached property belonging to the defendant shall have passed out of the hands of the sheriff without having been sold or converted into money, such sheriff shall repossess himself of the same, and for that purpose have all the authority which he had to seize the same under the attachment, and any person who shall wilfully conceal or withhold such property from the sheriff shall be liable to double damages at the suit of the party injured.

Sheriff may repossess himself of all property attached.

4. Until the judgment against the defendant shall be paid, the sheriff may proceed to collect the notes and other evidence of debt, and the debts that may have been seized or attached under the warrant of attachment, and to prosecute any bond he may have taken in the course of such proceedings, and apply the proceeds thereof to the payment of the judgment.

Sheriff may collect notes and accounts attached.

When the judgment and all costs of the proceedings shall have been paid, the sheriff upon reasonable demand shall deliver over to the defendant the residue of the attached property or the proceeds thereof.

SEC. 146. The actions herein authorized to be brought by the sheriff, may be prosecuted by the plaintiff or under his direction, upon the delivery by him to the sheriff of an undertaking executed by two sufficient sureties, to the effect, that the plaintiff will indemnify the sheriff from all damages, costs and expenses on account thereof, not exceeding two hundred and fifty dollars in any one action. Such sureties shall, in all cases, when required by

When actions to recover note, &c., attached, may be prosecuted by the plaintiff in the action in which the attachment issued.

the sheriff, justify by making an affidavit, that each is a householder and worth double the amount of the penalty of the bond over and above all demands and liabilities.

Bond to sheriff on attachment—how disposed of on judgment for defendant.

SEC. 147. If the foreign corporation, or absent, or absconding, or concealed defendant, recover judgment against the plaintiff in such action, any bond taken by the sheriff, except such as are mentioned in the last section, all the proceeds of sales, and moneys collected by him, and all the property attached remaining in his hands, shall be delivered by him to the defendant, or his agent, on request, and the warrant shall be discharged, and the property released therefrom.

Discharge of attachment and return of property or its proceeds to defendant.

SEC. 148. Whenever the defendant shall have appeared in such action, he may apply to the officer who issued the attachment, or to the court, for an order to discharge the same; and if the same be granted, all the proceeds of sales, and moneys collected by him, and all the property attached remaining in his hands, shall be delivered or paid by him to the defendant or his agent, and released from the attachment.

Undertaking on the part of defendant in such cases.

SEC. 149. Upon such application, the defendant shall deliver to the court, or officer, an undertaking, executed by at least two sureties, resident, and freeholders in this state, approved by such court or officer, to the effect that the sureties will, on demand, pay to the plaintiff the amount of the judgment that may be recovered against the defendant in the action, not exceeding the sum specified in the undertaking, which shall be at least double the amount claimed by the plaintiff in his complaint.

When and how sheriff to return warrant.

SEC. 150. When the warrant shall be fully executed or discharged, the sheriff shall return the same with his proceedings thereon, to the court in which the action was brought.

Sheriff's fees.

SEC. 151. The sheriff shall be entitled to the same fees and compensation for services, and the same disbursements under this title as are allowed by law for like services in other cases.

Motion to set aside attachment for insufficiency and affidavits and proceedings for that purpose.

SEC. 152. The defendant may, at any time before the time to answer expires, make a motion before the circuit judge of the proper circuit, to set aside or discharge the attachment, on the ground that sufficient cause for the granting of the same did not exist. Such motion may be made upon the affidavit for the attachment or additional affidavits, on the part of the defendant, controverting the grounds upon which the attachment was issued, and in

case the defendant uses additional affidavits, the plaintiff may use additional affidavits, on his part, to sustain the same, and the plaintiff may, on reasonable notice for that purpose given, require the defendant or other person to appear on the hearing of such motion, and be examined orally, touching the grounds upon which said attachment was issued; and if the defendant neglect or refuse to attend as required, the motion to discharge the attachment shall be denied.

Powers of court as to receivers.

SEC. 153. A receiver may be appointed;

1. Before judgment, on the application of either party, when he establishes an apparent right to property which is the subject of the action, and which is in the possession of an adverse party, and the property, or its rents and profits, are in danger of being lost or materially injured or impaired.

2. After judgment to carry the judgment into effect.

3. After judgment to dispose of the property according to the judgment or to preserve it during the pendancy of an appeal; or when an execution has been returned unsatisfied and the judgment debtor refuses to apply his property in satisfaction of the judgment.

4. In the cases provided in this code, and by special statutes, when a corporation has been dissolved, or is insolvent or in imminent danger of insolvency, or has forfeited its corporate rights.

5. In such other cases as are now provided by law, or may be in accordance with the existing practice, except as otherwise provided in this act.

Deposit of money or other property in court.

SEC. 154. When it is admitted by the pleading or examination of a party, that he has in his possession or under his control any money or other thing capable of delivery, which being the subject of the litigation, is held by him as trustee for another party, or which belongs, or is due to another party, the court may order the same to be deposited in court, or delivered to such party with or without security, subject to the further direction of the court.

Court may order property or money deposited, to be delivered or conveyed, or may pass title to real estate by judgment.

SEC. 155. Whenever in the exercise of its authority, a court shall have ordered the deposit, delivery or conveyance of money or other property, and the order is disobeyed, the court, besides punishing the disobedience as for contempt, may make an order requiring the sheriff to take the money or property, and deposit, deliver or convey it in conformity with the direction of the court, or the court may pass title to real estate by its judgment, with-

out conveyance, in like manner, as may now be done by decree.

When answer admits part of plaintiff's claim, court on motion, may order defendant to satisfy that part.

SEC. 156. When the answer of the defendant admits part of the plaintiff's claim to be just, the court on motion, may order such defendant to satisfy that part of the claim, and may enforce the order, as it enforces a provisional remedy.

Judgment—what.

SEC. 157. A judgment is the final determination of the rights of the parties in the action.

Judgment on failure of defendant to answer.

SEC. 158. Judgment may be had if the defendant fail to answer the complaint, as follows:

Action on contract.

1. In any action arising on contract for the recovery of money only, the plaintiff may file with the clerk proof of personal service of the summons and complaint on one or more of the defendants, or of the summons, according to the provisions of section 35, and that no answer has been received. The clerk shall thereupon enter judgment for the amount mentioned in the summons against the defendant or defendants, or against one or more of several defendants, in the cases provided for in section 41. But if the complaint be not sworn to, and such action is on an instrument for the payment of money only, the clerk, on its production to him, shall assess the amount due to the plaintiff thereon; and in other cases shall ascertain the amount which the plaintiff is entitled to recover in such action from his examination under oath, or other proof, and enter the judgment for the amount so assessed or ascertained. In case the defendant give notice of appearance in the action, he shall be entitled to five days notice of the time and place of such assessment.

In other actions.

2. In other actions, the plaintiff may, upon the like proof, apply to the court after the expiration of the time for answering, for the relief demanded in the complaint. If the taking an account or the proof of any fact be necessary to enable the court to give judgment or to carry the judgment into effect, the court may take the account, or hear the proof, or may in its discretion, order a reference for that purpose. And where the action is for the recovery of money only, or of specific, real or personal property, with damages for the withholding thereof, the court may order the damages to be assessed by a jury, or if the examination of a long account be involved, by a

reference as above provided. In case the defendant give notice of appearance in the action before the expiration of the time for answering, he shall be entitled to eight days notice of the time and place of application to the court for the relief demanded by the complaint,

Judgment on frivolous demurrer, answer or reply.

3. In actions where the service of the summons was by publication, the plaintiff may in like manner apply for judgment, and the court shall thereupon cause proof to be taken of the demand mentioned in the complaint, and in case the defendant is a non-resident, shall cause the plaintiff or his agent to be examined on oath, as to any payment that may have been made to such plaintiff, or to any one for his use on account of such demand, and may render judgment for the amount which he is entitled to recover, and before entering judgment, the court may, in its discretion, require the plaintiff to cause to be filed satisfactory security to abide the order of the court, touching the restitution of any estate or effects which may be directed by such judgment to be transferred or delivered, or the restitution of any money that may be collected under or by virtue of such judgment, in case the defendant or his representatives, shall apply and be admitted to defend the action and shall succeed in such defence.

Cases of publication of summons.

SEC. 159. If a demurrer, answer or reply be frivolous, the party prejudiced thereby, upon a previous notice of five days, may apply to a judge of the court, either in or out of the court, for judgment thereon, and judgment may be given accordingly.

The different kinds of issue.

SEC. 160. Issues arise upon the pleadings when a fact or conclusion of law is maintained by the one party, and controverted by the other; they are of two kinds:

1. Of law.
2. Of fact.

Issue of law.

SEC. 161. An issue of law arises upon a demurrer to the complaint, answer or reply, or to some part thereof.

Issue of fact.

SEC. 162. An issue of fact arises,

1. Upon a material allegation in the complaint controverted by the answer; or,
2. Upon new matter in the answer controverted by the reply; or,
3. Upon new matter in the reply, except an issue of law is joined thereon.

Issue of both law and fact, the issue of law to be first tried

SEC. 163. Issues both of law and of fact may arise upon different parts of the pleadings in the same action; in such cases the issue of law must be first tried, unless the court otherwise direct.

Trial defined.

SEC. 164. A trial is the judicial examination of the issues between the parties, whether they be issues of law or of fact.

Issues—how tried.

SEC. 165. An issue of law must be tried by the court, unless it be referred as provided in sections 180 and 181. An issue of fact in an action for the recovery of money only, or of specific, real or personal property, or for a divorce from the marriage contract, on the ground of adultery, must be tried by a jury, unless a jury trial be waived, as provided in sections 176 and 181. Every other issue is triable by the court, which, however, may order the whole issue, or any specific question of fact involved therein, to be tried by a jury, or may refer it as provided in sections 180 and 181.

Either party may give notice of trial and note of issue.

SEC. 166. At any time after issue, and at least ten days before the court, either party may give notice of trial. The party giving the notice shall furnish the clerk, at least four days before the court, with a note of the issue, containing the title of the action, the names of the attorneys, and the time when the last pleading was served; and the clerk shall thereupon enter the cause upon the calendar, according to the date of the issue.

Order of disposing of issues on the calendar.

SEC. 167. The issues on the calendar shall be disposed of in the following order, unless for the convenience of parties or the dispatch of business, the court shall otherwise direct:

1. Issues of fact to be tried by a jury.
2. Issues of fact to be tried by the court.
3. Issues of law.

Party noticing for trial may proceed with the case.

SEC. 168. Either party giving the notice may bring the issue to trial, and in the absence of the adverse party, unless the court, for good cause, otherwise direct, may proceed with his case, and take a dismissal of the complaint or a verdict or a judgment as the case may require.

Separate trials.

A separate trial between the plaintiff and any of the several defendants may be allowed by the court whenever in its opinion justice will be thereby promoted.

Court to be furnished with copy pleadings.

SEC. 169. When the issue shall be brought to trial by the plaintiff, he shall furnish the court with a copy of the summons and pleadings, with the offer of the defendant, if any shall have been made. When the issue shall be brought to trial by the defendant, and the plaintiff shall neglect or refuse to furnish the court with a copy of the summons and pleadings, and the offer of the defendant, the same may be furnished by the defendant.

SEC. 170. A general verdict, is that by which the jury pronounce generally upon all or any of the issues either in favor of the plaintiff or defendant. A special verdict is that by which the jury find the facts only, leaving the judgment to the court.

General or special verdict defined.

SEC. 171. In an action for the recovery of specific personal property, if the property have not been delivered to the plaintiff, or the defendant by his answer, claim a return thereof, the jury shall assess the value of the property, if their verdict be in favor of the plaintiff, or if they find in favor of the defendant, that he is entitled to a return thereof, and may at the same time assess the damages, if any are claimed in the complaint or answer, which the prevailing party has sustained by reason of the detention, or taking and withholding such property. In every action for the recovery of money only, or specific real property, the jury in their discretion may render a general or special verdict. In all other cases the court may direct the jury to find a special verdict in writing upon all or any of the issues, and in all cases may instruct them, if they render a general verdict, to find upon particular questions of fact, to be stated in writing, and may direct a written finding thereon. The special verdict or finding shall be filed with the clerk and entered upon the minutes.

When jury may render general or special verdict, and when court may direct special finding.

SEC. 172. Where a special finding of facts shall be inconsistent with the general verdict, the former shall control the latter, and the court shall give judgment accordingly.

Special findings shall control general verdict.

SEC. 173. When a verdict is found for the plaintiff in an action of the recovery of money, or for the defendant, when a set off for the recovery of money is established beyond the amount of the plaintiff's claim as established, the jury must also assess the amount of the recovery; they may also under the direction of the court, assess the amount of the recovery when the court give judgment for the plaintiff on the answer. If a set off established at the trial exceed the plaintiff's demand, so established, judgment for the defendant must be given for the excess; or if it appear that the defendant is entitled to any other affirmative relief, judgment must be given accordingly.

Jury to assess the damages in certain cases.

SEC. 174. Upon receiving a verdict the clerk shall make an entry in his minutes, specifying the time and place of the trial, the names of the jurors and witnesses, the verdict, and either the judgment rendered thereon or

Entry of the verdict.

an order that the cause be reserved for argument or further consideration. If a different direction be not given by the court, the clerk must enter judgment in conformity with the verdict. If an exception be taken it may be reduced to writing at the time, or entered in the judge's minutes, and afterwards settled as provided by the rules of the court, and then stated in writing, in a case or separately, with so much of the evidence as may be material to the questions to be raised, but need not be sealed or signed, nor need a bill of exceptions be made. If the exceptions be in the first instance stated in a case, and it be afterwards necessary to separate them, the separation may be made under the direction of the court or a judge thereof. The judge who tries the cause may, in his discretion, entertain a motion to be made on his minutes, to set aside a verdict, and grant a new trial, upon exceptions, or for insufficient evidence, or for excessive damages; but such motions, in actions hereafter tried, if heard upon the minutes, can only be heard at the same term or circuit, at which the trial is heard.

Motion for a new trial.

When such motion is heard and decided upon the minutes of the judge, and an appeal is taken from the decision, a case or exceptions must be settled in the usual form upon which the argument of the appeal must be had.

Motion for a new trial—when to be heard.

SEC. 175. A motion for a new trial on a case or exceptions or otherwise, and an application for judgment on a special verdict or case reserved for argument or further consideration, or to set aside the report of referees, must, in the first instance, be heard and decided at the circuit, at special term, or at a regular term.

Trial by jury, how waived.

SEC. 176. Trial by jury may be waived by the several parties, to an issue of fact, in actions on contract, with the assent of the court, in other actions, in the manner following:

1. By failing to appear at the trial.
2. By written consent, in person, or by attorney, filed with the clerk.
3. By oral consent in open court, entered in the minutes.

On trial by the court, judgment to be given in twenty days—and what decision to contain.

SEC. 177. Upon a trial of a question of fact by the court, its decision shall be given in writing, and filed with the clerk within twenty days after the court at which the trial took place. Judgment upon the decision shall be entered accordingly, and the judge shall state in his decision separately:

1. The facts found by him, and
2. His conclusions of law thereon.

SEC. 178. For the purpose of an appeal, either party may except to a decision on a matter of law, arising on such trial, within ten days after notice, in writing, of the judgment in the same manner and with the same effect as upon a trial by jury. And either party desiring a review upon the evidence appearing upon the trial, either of the questions of fact or of the law, may, within ten days after the notice of such judgment, or within the time prescribed by the rules of the court, make a case or exceptions in like manner as upon trials by jury; except that the judge, in settling the matter, must briefly specify the facts found by him, and his conclusions of law.

Exceptions—how and when taken.

SEC. 179. On a judgment for the plaintiff, upon an issue of law, the plaintiff may proceed in the manner prescribed by the first two sub-divisions of section 158, upon the failure of the defendant to answer, where the summons was personally served. If judgment be for the defendant, upon an issue of law, and if taking an account or the proof of any fact be necessary to enable the court to complete the judgment, a reference or assessment by a jury may be ordered, as in that section provided.

Proceedings upon judgment on issue of law

SEC. 180. All or any of the issues in the action whether of fact or of law, or both, may be referred upon the written consent of the parties.

All issues referrable by consent.

SEC. 181. Where the parties do not consent, the court may, upon the application of either, or of its own motion, except where the investigation will require the decision of difficult questions of law, direct a reference in the following cases:

When references may be made by court

1. Where the trial of an issue of fact shall require the examination of a long account on either side, in which case the referees may be directed to hear and decide the whole issue, or to report upon any specific question of fact involved therein; or

2. Where the taking of an account shall be necessary for the information of the court, before judgment, or for carrying a judgment or order into effect, or

3. Where a question of fact, other than upon the pleadings, shall arise, upon motion or otherwise, in any stage of the action.

SEC. 182. The trial by referees is conducted in the same manner and on similar notice, as a trial by the court; they have the same power to grant adjournments as the court on such trial.

Mode of trial.

Motion to set aside report.

They must state the facts found and the conclusions of law separately, and their decision must be given and may be excepted to and reviewed in like manner, and by a motion before the circuit court to set aside the report upon a case or bill of exceptions, to be settled by the referees as in cases of trial by the court, and on which motion the court may set aside such report or alter or modify the same, and the judgment entered upon such report under direction of the circuit court may be appealed from to the supreme court in like manner as judgments upon motions for a new trial on cases or exceptions as provided in section 175.

When motion made and proceedings for that purpose.

The report of the referees upon the whole issue stands as the decision of the court, and judgment may be entered thereon in the same manner as if the action had been tried by the court, unless either party may desire to make a motion to set aside the report, as herein provided. And in case either party desires to make such a motion, a judge of the circuit court may stay the entry of judgment for twenty days, to enable the party to prepare his case or bill of exceptions, and in case it is prepared, all proceedings on the report shall be stayed until the decision of the circuit court thereon, or the case is set aside or dismissed. When the reference is to report the facts, the report has the effect of a special verdict.

Referees—how chosen.

SEC. 183. In all cases of reference, the parties, except when an infant may be a party, may agree upon a suitable person or persons, not exceeding three, and the reference shall be ordered accordingly; and if the parties do not agree, the court shall appoint one or more referees, not exceeding three, who shall be free from exception.

Judgment may be for or against any of the parties.

SEC. 184. Judgment may be given for or against one or more of several plaintiffs, and for or against one or more of several defendants, and it may determine the ultimate rights of the parties on each side, as between themselves and may grant to the defendant any affirmative relief to which he may be entitled. In an action against several defendants, the court may, in its discretion, render judgment against one or more of them, leaving the action to proceed against the others whenever a several judgment may be proper. The court may also dismiss the complaint, with costs in favor of one or more defendants, in case of unreasonable neglect on the part of the plaintiff to serve the summons on other defendants, or to proceed in the cause against the defendant or defendants served.

SEC. 185. The relief granted to the plaintiff, if there be no answer, cannot exceed that which he shall have demanded in his complaint; but in any other case the court may grant him any relief consistent with the case made by the complaint and embraced within the issue.

The relief to be awarded to the plaintiff.

SEC. 186. Whenever damages are recoverable, the plaintiff may claim and recover, if he show himself entitled thereto, any rate of damages which he might have heretofore recovered for the same cause of action.

Rates of damages where damages are recoverable.

SEC. 187. In an action to recover the possession of personal property, judgment for the plaintiff may be for the possession, or for the recovery of possession, or the value thereof in case a delivery cannot be had, and of damages for the detention. If the property have been delivered to the plaintiff and a defendant claim a return thereof, judgment for the defendant may be for a return of the property, or the value thereof, in case a return cannot be had, and damages for taking and withholding the same.

Judgment in action for recovery of personal property

SEC. 188. Judgment upon an issue of law or of fact or upon confession, or upon failure to answer (except where the clerk is authorized to enter the same by the first subdivision of section one hundred and fifty-eight, [158] and by section two hundred and eighty-eight,) shall, in the first instance, be entered upon the direction of a circuit judge, or report of referees, subject to review on the demand of either party, as herein provided.

Judgment to be entered by direction of circuit judge or report of referees.

SEC. 189. The clerk shall keep among the records of the court, a book for the entry of judgments to be called the "judgment book."

Clerk to keep judgment book.

SEC. 190. The judgment shall be entered in the judgment book, and shall specify clearly the relief granted, or other determination of the action.

Judgment to be entered in judgment book

SEC. 191. Unless the party or his attorney shall furnish a judgment roll, the clerk, immediately after entering the judgment, shall attach together and file the following papers, which shall constitute the judgment roll:

Judgment roll, of what composed.

1. In case the complaint be not answered by any defendant, the summons and complaint or copies thereof, proof of service, and that no answer has been received, the report, if any, and a copy of the judgment.

2. In all other cases the summons, pleadings, or copies thereof, and a copy of the judgment, with any verdict or report, the offer of the defendant, exceptions, case, and all orders and papers in any way involving the merits and necessarily affecting the judgment.

Judgment, when and how to be docketed.

SEC. 192. On filing a judgment roll, upon a judgment directing in whole or in part the payment of money, it may be docketed with the clerk of the circuit court of the county where it was rendered, and in any other county, upon filing with the clerk of the circuit court thereof a transcript of the original "docket," and shall be a lien on the real property in the county where the same is docketed, of every person against whom such judgment shall be rendered, and which he may have at the time of docketing thereof, in the county in which such real estate is situated, or which he shall acquire at any time thereafter, for ten years from the time of docketing the same, in the county where it was rendered. But whenever an appeal from any judgment shall be pending, and the undertaking requisite to stay execution on such judgment shall have been given, and the appeal perfected as provided in the code, the court in which such judgment was recovered, may, on special motion, after notice to the person owning the judgment, on such terms as they shall see fit, direct an entry to be made by the clerk on the docket of said judgment, that the same is "secured on appeal," and thereupon it shall cease, during the pendency of the appeal, to be a lien on the real property of the judgment debtor, as against purchasers and mortgagees in good faith.

Execution to be issued within two years of course.

SEC. 193. Writs of execution for the enforcement of judgments as now used, are modified in conformity to this title, and the party in whose favor judgment has been heretofore or shall hereafter be given, may, at any time within two years after the entry of judgment, proceed to enforce the same, as prescribed by this title.

After two years to be issued only by leave of court, and leave how obtained.

SEC. 194. After the lapse of two years from the entry of judgment, an execution can be issued only by the leave of the court, upon motion, with personal notice to the adverse party, unless he be absent or non-resident, or cannot be found to make such service, in which case, such service may be made by publication, or in such other manner as the court shall direct. Such leave shall not be given unless it be established by the oath of the party, or other satisfactory proof, that the judgment, or some part thereof, remains unsatisfied and due. When the judgment shall have been rendered in a court of justice of the peace, and docketed in the office of the clerk of the circuit court, the application for leave to issue execution must be to the court where judgment is docketed.

SEC. 195. Where a judgment requires the payment of money, or the delivery of real or personal property, the same may be enforced in those respects by execution as provided in this title. Where it requires the performance of any other act, a certified copy of the judgment may be served upon the party against whom it is given, or the person or officer who is required to obey the same, and his obedience thereto enforced. If he refuse he may be punished by the court as for a contempt.

Other judgments—how enforced—court may pass title by judgment.

SEC. 196. There shall be three kinds of execution: one against the property of the judgment debtor; another against his person; and the third for the delivery of the possession of real or personal property, or such delivery with damages for withholding the same. They shall be deemed the process of the court, but they need not be sealed nor subscribed, except as prescribed in section 199.

The different kinds of executions.

SEC. 197. Where the execution is against the property of the judgment debtor, it may be issued to the sheriff of any county where the judgment is docketed. Where it requires the delivery of real or personal property, it must be issued to the sheriff of the county where the property or some part thereof is situated. Executions may be issued at the same time to different counties. Real property adjudged to be sold, must be sold in the county where it lies, by the sheriff of that county or by a referee appointed by the court for that purpose, and thereupon the sheriff or referee, shall execute a conveyance to the purchaser, which conveyance shall be effectual to pass the rights and interest of the parties adjudged to be sold.

To what counties execution may be issued.

SEC. 198. If the action be one in which the defendant might have been arrested as provided in section 87 and section 89, an execution against the person of the judgment debtor may be issued to any county within the jurisdiction of the court, after the return of an execution against his property unsatisfied in whole or in part.

Execution against the person, in what cases and when.

SEC. 199. The execution must be directed to the sheriff or coroner, when the sheriff is a party, or interested subscribed by the party issuing it or his attorney, and must intelligibly refer to the judgment, stating the court, the county where the judgment roll or transcript is filed, the names of the parties, the amount of the judgment, if it be for money, and the amount actually due thereon, and the time of docketing in the county to which the execution is issued, and shall require the officer substantially as follows:

Form of execution.

1. If it be against the property of the judgment debtor, it shall require the officer to satisfy the judgment out of the personal property of such debtor, and if sufficient personal property cannot be found out of the real property belonging to him on the day when the judgment was docketed in the county or at any time thereafter.

2. If it be against real or personal property in the hands of personal representatives, heirs, devisees, legatees, tenants of real property, or trustees, it shall require the officer to satisfy the judgment out of such property.

3. If it be against the person of the judgment debtor, it shall require the officer to arrest such debtor and commit him to the jail of the county, until he shall pay the judgment, or be discharged according to law.

4. If it be for the delivery of the possession of real or personal property, it shall require the officer to deliver the possession of the same, particularly describing it, to to the party entitled thereto, and may, at the same time, require the officer to satisfy any costs, damages, or rents and profits, recovered by the same judgment, out of the personal property of the party against whom it was rendered, and the value of the property for which the judgment was recovered, by the same judgment, out of the personal property of the party against whom it was rendered, and the value of the property for which the judgment was recoverd, to be specified therein, if a delivery thereof cannot be had, and if sufficient personal property cannot be found, then out of the real property belonging to him on the day when the judgment was docketed, or at any time thereafter, and shall, in that respect, be deemed an execution against property.

To be returnable within sixty days.

SEC. 200. The execution shall be returnable within sixty days after its receipt by the officer, to the clerk with whom record of judgment is filed,

Existing laws relating to executions continued, until otherwise provided.

SEC. 201. Until otherwise provided by the legislature the existing provisions of law, not in conflict with this chapter, relating to executions, and their incidents, the property liable to sale on execution, including the sale and redemption of property, the powers and rights of officers, their duties thereon, and the proceeding to enforce those duties, and the liability of their sureties, shall apply to the executions prescribed by this chapter.

When execution returned unsatisfied, order for discove-

SEC. 202. When an execution against property of the judgment debtor, or of any one of several debtors in the same judgment, issued to the sheriff of the county where

he resides, or if he do not reside in the state, to the sheriff of a county where a judgment roll or a transcript of a justice's judgment for ten dollars or upwards, exclusive of costs, is filed, is returned unsatisfied, in whole or in part, the judgment creditor, at any time after such return is made, is entitled to an order from the judge of the court, or a county judge, or court commissioner of the county to which the execution was issued, requiring such judgment debtor to appear and answer concerning his property before such judge, at a time and place specified in the order, within the county to which the execution was issued. After the issuing of an execution against property, and upon proof by affidavit, of a party or otherwise, to the satisfaction of the court, or a judge thereof, a county judge, or a court commissioner, that any judgment creditor [debtor] residing in the county where such judge or officer resides, has property which he unjustly refuses to apply towards the satisfaction of the judgment, such court or judge may, by an order, require the judgment debtor to appear, at a specified time and place, to answer concerning the same, and such proceedings may thereupon be had for the application of the property of the judgment debtor towards the satisfaction of the judgment, as are provided upon the return of an execution. On an examination under this section, either party may examine witnesses on his behalf, and the judgment debtor may be examined in the same manner as a witness. Instead of the order requiring the attendance of judgment debtor, the judge may, upon proof by affidavit, or otherwise, to his satisfaction, that there is danger of the judgment debtor's leaving the state, or concealing himself, and that there is reason to believe he has property which he unjustly refuses to apply to such judgment, issue a warrant requiring the sheriff of any county where such debtor may be, to arrest him and bring him before such judge.

ry of property allowed; also, when judgment debtor refuses to apply property to satisfy judgment.

SEC. 203. Upon being brought before the judge, he may be examined on oath, and if it then appears that there is danger of the debtor's leaving the state, and that he has property which he has unjustly refused to apply to such judgment, he may be ordered to enter into an undertaking, with one or more sureties, that he will, from time to time, attend before the judge as he shall direct, and that he will not during the pendency of the proceedings, dispose of any portion of his property not exempt from

Manner of proceeding to examine judgment debtor.

execution. In default of entering into such undertaking, he may be committed to prison by warrant of the judge as for a contempt. No person shall, on examination pursuant to this chapter, be excused from answering any question, on the ground that his examination will tend to convict him of the commission of a fraud; but his answer shall not be used as evidence against him in any criminal proceeding or prosecution.

Any debtor may pay execution against his creditor to sheriff.

SEC. 204. After the issuing of execution against property, any person indebted to the judgment debtor, may pay to the sheriff, the amount of his debt, or so much thereof as shall be necessary to satisfy the execution, and the sheriff's receipt shall be a sufficient discharge for the amount so paid.

Examination of debtors or of those having property belonging to them.

SEC. 205. After the issuing or return of an execution against property of the judgment debtor or any one of several debtors in the same judgment, and upon an affidavit, that any person, or corporation has property of such judgment debtor, or is indebted to him in an amount exceeding ten dollars, the judge may, by an order, require such person or corporation, or any officer or member thereof, to appear at a specified time and place, and answer concerning the same. The judge may also, in his discretion, require notice of such proceeding, to be given to any party to the action in such manner as may seem to him proper.

Witness required to testify.

SEC. 206. Witnesses may be required to appear and testify on any proceedings under this chapter, in the same manner as upon the trial of an issue.

Compelling party and witnesses to attend.

SEC. 207. The party or witness may be required to attend before the judge, or before a referee appointed by the court or judge; if before a referee, the examination shall be taken by the referee, and certified to the judge. all examinations and answer before a judge or referee under this chapter, shall be on oath, except that when a corporation answers, the answer shall be on oath of an officer thereof.

What property may be ordered to be applied to the execution.

SEC. 208. The judge may order any property of the judgment debtor, not exempt from execution, in the hands either of himself or any other person, or due to the judgment debtor, to be applied towards the satisfaction of the judgment, except that the earnings of the debtor for his personal services, at any time within sixty days next preceding the order, can not be so applied, when it is made to appear by the debtor's affidavit, or otherwise, that such

earnings are necessary for the use of a family, supported wholly or in part by his labor.

Judge may appoint receiver, and prohibit transfer of property.

SEC. 209. The judge may also, by order, appoint a receiver of the property of the judgment debtor, in the same manner and with the like authority, as if the appointment was made by the court, according to section 15. But before the appointment of such receiver, the judge shall ascertain, if practicable, by the oath of the party, or otherwise, whether any other supplementary proceedings are so pending against the judgment debtor; the plaintiff therein shall have notice to appear before him, and shall likewise have notice of all subsequent proceedings in relation to such receivership.

No more than one receiver of the property of a judgment debtor shall be appointed. The judge may also by order forbid a transfer or other disposition of the property of the judgment debtor, not exempt from execution and any interference therewith.

Proceedings upon claim of another party to property, or on denial of indebtedness to judgment debtor.

SEC. 210. If it appear that a person or corporation, alleged to have property of the judgment debtor, or indebted to him, claims an interest in the property, adverse to him, or denies the debt, such interest or debt shall be recoverable only in an action against such person or corporation by the receiver, but the judge may, by order, forbid a transfer or other disposition of such property or interest till a sufficient opportunity be given to the receiver to commence the action, and prosecute the same to judgment and execution; but such order may be modified or dissolved, by the judge granting the same, at any time, on such security as he shall direct.

Reference by judge.

SEC. 211. The judge may, in his discretion, order a reference to a referee agreed upon or approved by him, to report the evidence or the facts.

Costs of proceeding.

SEC. 212. The judge may allow to the judgment creditor or to any party so examined, whether a party to the action or not, witnesses fees and disbursements, and a fixed sum in addition not exceeding fifteen dollars as costs.

Disobedience of order, how punished.

SEC. 213. If any person, party or witness, disobey an order of the judge or referee duly served, such person, party or witness may be punished by the judge as for a contempt, and in all cases of commitment, under this chapter, the person committed, may, in case of inabilty to perform the act required, or to endure the imprisonment, be discharged from imprisonment by the court or

judge committing him, or the court in which the judgment was rendered, on such terms as may be just.

Fee bill abolished; allowances given, termed costs.

SEC. 214. All statutes establishing or regulating the costs or fees of attorneys, solicitors and counsel in civil actions, and all existing rules and provisions of law restricting or controling the right of a party to agree with an attorney, solicitor, or counsel, for his compensation, are repealed, and hereafter the measure of such compensation shall be left to the agreement, express or implied, of the parties. But there may be allowed to the prevailing party, upon the judgment, certain sums by way of indemnity, for his expenses in the actions, which allowances are in this act termed costs.

When allowed of course to plaintiff.

SEC. 215. Costs shall be allowed of course to the plaintiff, upon a recovery in the following cases:

1. In an action for the recovery of real property, or when a claim of title to real property arises on the proceedings, or is certified by the court to have come in question at the trial.

L. 57 p. 92

2. In an action to recover the possession of personal property. exc. when a J of P. has jurisdiction

3. In the actions of which, according to law, a court of justice of the peace has no jurisdiction.

4. In an action for the recovery of money, where the plaintiff shall recover fifty dollars or more. But in an action for assault, battery, false imprisonment, libel, slander, malicious prosecution, criminal conversation or seduction, if the plaintiff recover less than fifty dollars damages, he shall recover no more costs than damages; and in an action to recover the possession of personal property, if the plaintiff recover less than fifty dollars damages, he shall recover no more costs than damages, unless he recovers also property, the value of which, with the damages, amounts to fifty dollars.

Such value must be determined by the jury, court or referee, by whom the action is tried.

When several actions shall be brought on one bond, recognizance, promissory note, bill of exchange, or other instrument, in writing, or in any other case, for the same cause of action, against several parties who might have been joined as defendant in the same action, no costs, other than disbursements, shall be allowed to the plaintiff, in more than one of such actions, which shall be at his election, provided that the party or parties proceeded against in such other action or actions, shall, at the time

of the commencement of the previous action or actions have been within this state, and not secreted.

SEC. 216. Costs shall be allowed of course to the defendant in the actions mentioned in the last section, unless the plaintiff be entitled to costs therein. When allowed to defendants.

SEC. 217. In other actions costs may be allowed or not, in the discretion of the court. When allowed, to either party in the discretion of the court.

Where there are several defendants not united in interest, and making separate defences by separate answers, and the plaintiff fails to recover judgment against all, the court may award costs to such of the defendants as have judgment in their favor, or any of them.

In the following cases the costs of the appeal shall be in the discretion of the court:

1. Where a new trial shall be ordered;

2. Where a judgment shall be affirmed in part and reversed in part.

SEC. 218. When allowed, costs shall be as follows: Amount of costs allowed.

1. To the plaintiff for all proceedings before notice of trial (including judgment when entered), in an action where judgment upon failure to answer may be had without application to court, seven dollars. In an action when judgment can only be taken on application to the court, twelve dollars. For all subsequent proceedings before trial, seven dollars.

2. To the defendant, for all proceedings before notice of trial, five dollars; for all subsequent proceedings before trial, seven dollars.

3. For the trial of issues of law, if separate from the trial of issues of fact, to the plaintiff five dollars; to the defendant five dollars.

4. For the trial of issues of fact, if separate from the trial of the issues of law, to the plaintiff five dollars; to the defendant five dollars.

5. For the trial of issues of fact and of law, when tried at the same time, to the plaintiff ten dollars; to the defendant ten dollars.

To either party on appeal to the supreme court, fifty dollars. Appeals from orders to the circuit court to either party, five dollars.

The plaintiff may, in all cases, recover costs and disbursements in suits against non-residents when he has attached real estate without regard to the amount of the recovery, at and after rates allowed by this act.

Additional allowance of a per centage on the recovery or claim.

SEC. 219. In addition to these allowances, if the action be for the recovery of money, or of real or personal property, and a trial has been had, the court may, in difficult or extraordinary cases, make an allowance of not more than ten per cent. on the recovery or claim, as in the next section prescribed, for any amount not exceeding five hundred dollars; and not more than five per cent. for any additional amount.

Such allowance may likewise be made upon the recovery of judgment in any action for the partition of real property, or for the foreclosure of a mortgage, or in which a warrant of attachment has been issued, or for the construction of a will or other instrument in writing, and on proceedings to compel the determination of claims to real property, and also in any case where the prosecution or defence has been unreasonably or unfairly conducted.

Per centage, how computed.

SEC. 220. These rates shall be estimated as follows:

1. If the plaintiff recover judgment, it shall be upon the amount of money or the value of the property recovered, or claimed, or attached, or affected by the construction of the will, or sought to be partitioned, or the amount found due upon the mortgage, in an action for foreclosure.

2. If the defendant recover judgment, it shall be upon the amount of money, or the value of the property claimed by the plaintiff, or attached, or affected by the construction of the will, or if the defendant's interest in property sought to be partitioned or the amount claimed in an action for foreclosure, such amount of value must be determined by the jury, court or referees, by whom the action is tried, or judgment rendered, or the commissioners appointed to make partition in an action therefor.

Interest on verdict or report, when allowed.

SEC. 221. When the judgment is for the recovery of money, interest from the time of the verdict or report until judgment be finally entered, shall be computed by the clerk, and added to the costs of the party entitled thereto.

Costs, how to be inserted in judgment.

SEC. 222. The clerk shall insert in the entry of judgment, on the application of the prevailing party, upon two days' notice to the other, the sum of the charges for costs, as above provided, and the necessary disbursements and fees of officers allowed by law, including the compensation of referees, and the expense of printing the papers upon any appeal. The disbursements shall be stated in detail, and verified by affidavits, which shall be filed.

SEC. 223. The fees of referees shall be three dollars to ach per day spent in the business of the reference; but ie parties may agree in writing upon any other rate of ompensation. Referees' fees.

SEC. 224. When an application shall be made to a court : referees, to postpone a trial, the payment, to the ad- rse party, of a sum not exceeding ten dollars, besides e fees of witnesses, may be imposed, as the condition ' granting the postponment. Costs on postponement of trial.

SEC. 225. Costs may be allowed on a motion, in the dis- etion of the court, not exceeding ten dollars. Costs on motion.

SEC. 226. When costs are adjudged against an infant aintiff, the guardian by whom he appeared in the action all be responsible therefor, and payment may be en- ced by attachment. Costs against infant plaintiff.

SEC. 227. In an action prosecuted or defended by an ecutor, administrator, trustee of an express trust, or a rson expressly authorized by statute, costs shall be re- vered, as in an action by and against a person prosecut- or defending in his own right, but such costs shall be rgeable only upon or collected of the estate, fund or ty represented, unless the court shall direct the same e paid by the plaintiff or defendant personally, for management or bad faith in such action or defence. this section shall not be construed to allow costs nst executors and administrators where they are now npt by law. Costs in an action by or against an executor, administrator, or trustee of an express trust or a person expressly authorized by statute to sue.

SEC. 228. In actions in which the cause of action shall, assignment after the commencement of the action, or y other manner, become the property of a person not rty to the action, such person shall be liable for the , in the same manner as if he were a party, and pay- : thereof may be enforced by attachment. Costs against assignee of cause of action after action brought.

SEC. 229. Upon the settlement, before judgment, of action mentioned in section 215, no greater sum shall manded from the defendant as costs, than at the rate ribed in section 218. Costs on settlement.

SEC. 230. It shall not be necessary to issue a writ of error ng up any judgment or order for review before the me court, but the same may be reviewed as pre- d by this act by a proceeding which is hereby de- ated an appeal, and the parties to such proceeding be known as appelant and respondent. Appeals may be taken instead of writs of error.

SEC. 231. An order made out of court, without notice adverse party, may be vacated or modified without Orders made out of court,

How vacated or modified.

notice, by the judge who made it, or may be vacated or modified on notice, in the manner in which other motions are made.

Who may appeal.

SEC. 232. Any party aggrieved, may appeal in the cases prescribed in this title.

Appeal, how made.

SEC. 233. An appeal must be made by the service of a notice in writing, on the adverse party, and on the clerk, with whom the judgment or order appealed from is entered, stating the appeal from the same, or some specified part thereof. When a party shall give in good faith notice of appeal from a judgment or order, and shall omit through mistake, to do any other act necessary to perfect the appeal or to stay proceedings, the court may permit an amendment on such terms as may be just

Clerk to transmit papers to appelate court

SEC. 234. Upon an appeal allowed by this act to the supreme court from a judgment, the clerk with whom the notice of appeal is filed, shall at the expense of the appellant, forthwith transmit to the supreme court, the judgment roll, unless the circuit court shall direct a certified copy of the judgment roll to be transmitted, instead of the original, and on an appeal allowed from an order by this act to the supreme court, the clerk with whom the notice of appeal is filed, and the order entered, shall forthwith transmit to the supreme court a certified copy of the order. the notice of appeal, and the papers upon which the order was granted.

What may be reviewed by appelate court.

SEC. 235. Upon an appeal from a judgment, the court may review an intermediate order, involving the merits and necessarily affecting the judgment.

Judgment on appeal.

SEC. 236. Upon an appeal from a judgment or order the supreme court may reverse, affirm or modify the judgment or order appealed from, in the respect mentioned in the notice of appeal, and as to any or all of the parties and may if necessary or proper, order a new trial. When the judgment or order is reversed or modified, the supreme court shall remit its judgment or decision to be enforced accordingly.

In what cases appeal taken to the supreme court.

SEC. 237. Appeals to the supreme court shall be taken from circuit courts, and from county courts in common law cases, and from any court of record having common law jurisdiction where no other court of appeal is provided by law.

Within what time taken.

SEC. 238. Appeals may be taken to the supreme court from judgments in civil actions, within two years from entry thereof; and from orders made by the circuit court within thirty days' after notice of the same.

SEC. 239. The following orders may be carried by appeal to the supreme court:

Appeal from orders, and what orders may be appealed from.

1. An order affecting a substantial right made in such action, when such order in effect determines the action, and prevents a judgment from which an appeal might be taken;

2. A final order affecting a substantial right made in special proceedings, or upon a summary application in an action after judgment.

3. When an order grants or refuses, continues or modifies a provisional remedy, or grants, refuses or dissolves an injunction or attachment, when it grants or refuses a new trial, or when it sustains or over-rules a demurrer: or

4. When it involves the merits of an action, or some part thereof.

SEC. 240. No appeal shall be taken to the supreme court from an order made at chambers, unless the same shall be affirmed by the circuit court; and from the order of said court, affirming, setting aside, or altering the same, an appeal may be taken, provided such order is one of those enumerated in section two hundred and thirty-nine of this chapter.

No appeal to supreme court from order at chambers, unless affirmed by circuit court.

SEC. 241. Upon an order made by a circuit judge or court dissolving or discharging an attachment or injunction, the party interested in continuing the same, may give immediate notice of appeal to the opposite party, and tender him a written undertaking with such surety as the judge shall direct, conditioned to pay all costs and damages sustained by such party, in case the appeal be decided in his favor. And thereupon the court may make an order in its discretion, to continue such attachment or injunction in force until the decision on the appeal, unless the respondent shall, at any time pending such appeal, give a written undertaking, with sufficient surety, to the appellant, to abide and perform the judgment in the action, if it shall be in favor of the appellant. But the court shall discharge such order, if it shall appear at any time that such appeal is not diligently prosecuted, and such want of diligence shall be deemed *prima facie* evidence of a breach of the apellants undertaking.

Appeals from orders dissolving or discharging attachment or injunction when taken and what security.

SEC. 242. Appeals from an order made at chambers, upon notice, may be taken within ten days after written notice of the making of such order; and such appeals shall be taken to a regular or special term of the circuit court. For the purpose of such appeal, either party may

Appeals from orders at chambers to circuit court, and an order for that purpose entered.

require the order to be entered of record by the clerk, and it shall be entered accordingly.

Injunction or attachment not to be dissolved at chambers by any other than a circuit judge.

SEC. 243. No injunction or attachment shall be dissolved at chambers by any other than a circuit judge; but a court commissioner may discharge an attachment, as provided in section 158 of this code. A 1482/49, E.57 p.92

In any appeal security must be given to pay costs and damages not exceeding 250 dollars.

SEC. 244. To render an appeal effectual for any purpose, a written undertaking must be executed, on the part of the appellant, by at least two sureties, to the effect that the appellant will pay all costs and damages, which may be awarded against him, on the appeal, not exceeding two hundred and fifty dollars; or that sum must be deposited with the clerk, with whom the judgment or order was entered, to abide the event of the appeal. Such undertaking or deposit may be waived by a written consent on the part of the respondent.

On judgment for money security to stay execution.

SEC. 245. If the appeal be from a judgment directing the payment of money, it shall not stay the execution of the judgment, unless a written undertaking be executed on the part of the appellant, by at least two sureties, to the effect that if the judgment appealed from, or any part thereof, be affirmed, the appellant will pay the amount directed to be paid by the judgment or the part of such amount as to which the judgment shall be affirmed, only in part, and all the damages which shall be awarded against the appellant upon the appeal.

If judgment be to deliver documents, they must be deposited.

SEC. 246. If the judgment appealed from direct the assignment or delivery of documents or personal property, the execution of the judgment shall not be stayed by appeal, unless the things requird to be assigned or delivered, be brought into court, or placed in the custody of such officer or receiver as the court shall appoint, or unless the undertaking be entered into on the part of the appellant, by at least two sureties, and in such amount as the court or a judge thereof, or county judge, shall direct, to the effect that the appellant will obey the order of the appellate court upon the appeal.

If to execute conveyance, it must be executed and deposited.

SEC. 247. If the judgment appealed from direct the execution of a conveyance or other instrument, the execution of the judgment shall not be stayed by the appeal, until the instrument shall have been executed and deposited with the clerk with whom the judgment is entered, to abide the judgment of the appellate court.

Security where judg-

SEC. 248. If the judgment appealed from, direct the sale or delivery of possession of real property, the exe-

cution of the same shall not be stayed, unless a written undertaking be executed on the part of the appellant with two sureties, to the effect, that during the possession of such property by the appellant, he will not commit or suffer to be committed, any waste thereon, and that if the judgment be affirmed, he will pay the value of the use and the occupation of the property from the time of the appeal until the delivery of possession thereof, pursuant to the judgment, not exceeding a sum to be fixed by a judge of the court, by which the judgment was rendered, and which shall be specified in the undertaking. When the judgment is for the sale of mortgaged premises, and the payment of a deficiency arising upon the sale, the undertaking shall also provide for the payment of such deficiency.

ment is to deliver property, or for sale of mortgaged premises.

Undertaking must be filed.

Existing laws repealed and this chapter substituted.

By what courts judgment to be reviewed.

SEC. 249. Whenever an appeal shall be perfected as provided by sections 245, 246, 247, and 248, it shall stay all further proceedings in the court below, upon the judgment appealed from, or upon the matter embraced therein; but the court below may proceed upon any other matter included in the action and not affected by the judgment appealed from.

Stay of proceedings upon security given.

Appeal when taken.

SEC. 250. The undertakings prescribed by sections 244, 245, 246, and 248, may be in one instrument, or several, at the option of the appellant, and a copy including the names and residence of the sureties must be served on the adverse party, with the notice of appeal, unless a deposit is made as provided in section 244, and notice thereof given.

Undertaking may be in one instrument or several.

Notice of appeal to be served and costs paid.

SEC. 251. An undertaking upon an appeal, shall be of no effect, unless it be accompanied by the affidavit of the sureties, that they are each worth double the amount specified therein. The respondent may, however, except to the sufficiency of the sureties, within ten days after notice of the appeal, and unless they or other sureties justify before a judge of the court below, or a county judge as prescribed by sections 103 and 104, within ten days thereafter, the appeal shall be regarded, as if no undertaking had been given. The justification shall be upon a notice of not less than five days.

Security to be approved and to justify.

Security to stay execution.

SEC. 252. In the cases not provided for in sections 245, 246, 247, 248 and 249, the perfecting of an appeal, by giving the undertaking mentioned in section 244, shall stay proceedings in the court below, upon the judgment appealed from, except that where it directs the sale of

Perishable property may be sold notwithstanding an appeal.

perishable property, the court below may order the property to be sold, and the proceeds thereof be deposited or invested, to abide the judgment of the appelate court.

Undertaking must be filed.

SEC. 253. The undertaking must be filed with the clerk with whom the judgment or order appealed from was entered.

Existing laws repealed and this chapter substituted.

SEC. 254. All statutes now in force, providing for the review of judgments in civil cases, rendered by courts of justice of the peace, whether by appeal or certiorari, are hereby repealed, and hereafter the only mode of reviewing such judgments shall be an appeal as prescribed by this act.

By what courts judgment to be reviewed.

SEC. 255. An appeal from the judgments of such courts, in the cases mentioned in the preceding section, may be taken to the courts that are now authorized to review such judgment, either by appeal or certiorari, in the manner prescribed in this act and in no other manner.

Appeal when taken.

SEC. 256. The appellant shall, within twenty days after judgment, serve a notice of appeal, stating the grounds upon which the appeal is founded. If the judgment is rendered upon process, not personally served, and the defendant did not appear, he shall have twenty days after personal notice of the judgment, to serve the notice of appeal, provided for in this and the next section.

Notice of appeal to be served and costs paid.

SEC. 257. The notice of appeal must, within the same time, be served on the justice, personally, if living, and within the county, or on his clerk, if there be one, and on the respondent, personally, or by leaving it at his residence, with some person of suitable age and discretion, or in case the respondent is not a resident of the county, in the same manner on the attorney or agent, if any, who is a resident of such county, who appeared for him on the trial; and the appellant must, at the time of the service of the notice of appeal, on the justice, pay to him the costs of the action included in the judgment, together with one dollar costs of the return, which shall be restored to him in case the judgment is reversed, and be included in the judgment for costs on reversal.

Security to stay execution.

SEC. 258. If the appellant desire a stay of execution of the judgment, he shall give security, as provided in the next section.

Form of undertaking.

SEC. 259. The security shall be a written undertaking, executed by one or more sufficient sureties, approved by the appellate judge, or by the court below, to the effect that if judgment be rendered against the appellant, and

execution thereon be returned unsatisfied in whole or in part, the sureties will pay the amount unsatisfied.

SEC. 260. The delivery of the undertaking to the court below, shall stay the issuing of execution, or if it have been issued, the service of a copy of the undertaking, certified by the court below, upon the officer holding the execution, shall stay further proceedings thereon. Executions how stayed.

SEC. 261. When by reason of the death of a justice of the peace, or his removal from the county or any other cause, the undertaking on the appeal cannot be delivered to him, it shall be filed with the clerk of the appellate court and notice thereof given to the respondent, or his attorney or agent as provided in section 257, it shall thereupon have the same effect as if delivered to the justice. In case of death of justice undertaking to be filed.

SEC. 262. When by reason of the death of a justice of the peace or his absence from the county or any other cause, the notice of appeal cannot be served as provided by section 256, it may be served by leaving the same with the clerk of the circuit court. Filing in lieu of service of notice of appeal.

SEC. 263. The court below shall thereupon, after ten days, and within thirty days after service of the notice of appeal, make a return to the appellate court of the testimony, proceedings and judgment, and file the same in the appellate court, and may be compelled to do so by attachment. But no justice of the peace shall be bound to make a return unless the fee prescribed by this act be paid on service of the notice of appeal. Return when and how made and compelled

SEC. 264. When a justice of the peace by whom a judgment appealed from was rendered, shall have gone out of office, before a return was ordered, he shall nevertheless make a return, in the same manner, and with the like effect, as if he were still in office. How made if justice be out of office.

SEC. 265. If the return be defective, the appellate court may direct a further or amended return, as often as may be necessary, and may compel a compliance with its order, by attachment. Further return may be ordered.

SEC. 266. If a justice of the peace, whose judgment is appealed from, shall die, become insane, or remove from the state, the appellate court may examine witnesses on oath to the facts and circumstances of the trial or judgment, and determine the appeal as if the facts had been returned by the justice. If he shall have removed to another county within the state, the appellate court may compel him to make the return, as if he were still within the county where the judgment was rendered. If justice be dead, insane, or absent.

Hearing upon return dismissing appeal if not brought in.

SEC. 267. If the return be made, the appeal may be brought to a hearing, at a regular term of the appellate court, upon a notice by either party of not less than eight days. It shall be placed upon the calendar, and continue thereon without further notice, until finally disposed of; but if neither party bring it to a hearing before the end of the second term, the court shall dismiss the appeal unless it continue the same by special order for cause shown.

To be heard on original papers and new trial in what cases.

SEC. 268. The appeal shall be heard on the original papers, and return of the justice containing all the material evidence and his rulings in the cause, in case where the judgment, exclusive of costs, does not exceed fifteen dollars.

But when the judgment shall exceed that sum, (the costs excluded,) and also where the judgment is against the complainant, or in his favor for a sum less than fifteen dollars, exclusive of costs, if he shall make oath at the time of appealing, that he has a valid claim against the defendant, as set forth in his complaint, exceeding the sum of fifteen dollars, as he verily believes, the action shall be tried in the appellate court, as cases originally brought there; but the parties may, by consent appearing on the return of the justice, admit such return or any part thereof, as evidence on the trial of the appeal.

Judgment on appeal and judgment roll.

SEC. 269. Upon the hearing of the appeal, the appellate court shall give judgment according to the justice of the case, without regard to technical errors, or defects, which do not effect the merits. In giving judgment, the court may affirm or reverse the judgment of the court below, in whole or in part, as to any or all of the parties, and for errors of law or fact. This section shall only apply to cases where there is no new trial in the appellate court. To every judgment upon an appeal, there shall be annexed the return upon which it was heard, which shall be filed with the clerk of the court, and shall constitute the judgment roll.

Costs how awarded.

SEC. 270. If the judgment be affirmed, costs shall be awarded to the respondent. If it be reversed, costs shall be awarded to the appellant. If it be affirmed in part, the costs, or such part as to the court shall seem just, may be awarded to either party. This section shall apply to cases where there is no new trial in the appellate court.

Ordering restitution.

SEC. 271. If the judgment below, or any part thereof, be collected, and the judgment be afterwards reversed, the appellate court shall order the amount collected to be

restored, with interest, from the time of collection. The order may be obtained upon proof of the facts made at or after the hearing, upon a previous notice of six days.

SEC. 272. If upon an appeal, a recovery be had by one party, and costs be awarded to the other, the appellate court shall set off the one against the other, and render judgment for the balance.

SEC. 273. The following fees and costs, and no other, except fees of officers and disbursements, shall be allowed upon appeals:

To the appellant, on reversal, five dollars.

To the respondent, on affirmance, five dollars.

To a justice of the peace for his return, one dollar.

If the judgment appealed from be reversed in part, and affirmed as to the residue, the amount of costs allowed to either party, shall be such sum as the appellate court may award, not exceeding five dollars. If the appeal be dismissed for want of prosecution, no costs shall be allowed to either party.

SEC. 274. The same costs, fees and disbursements, shall be allowed to the successful party, in cases of new trial on appeal in the appellate court, as on affirmance or reversal of a judgment.

SECTION 275. Parties to a question in difference, which might be the subject of a civil action, may, without action, agree upon a case containing the facts upon which the controversy depends, and present a submission of the same to any court which would have jurisdiction if an action had been brought. But it must appear by affidavit, that the controversy is real, and the proceedings in good faith to determine the rights of the parties. The court shall thereupon hear and determine the case at a general term, and render judgment thereon as if an action were pending.

SEC. 276. Judgment shall be entered in the judgment book as in other cases, but without costs for any proceeding prior to the notice of trial. The case, the submission, and a copy of the judgment, shall constitute the judgment roll.

SEC. 277. The judgment may be enforced in the same manner as if it had been rendered in an action, and shall be subject to appeal in like manner.

Parties not summoned in action on joint contract may be summoned after judgment.

SEC. 278. When a judgment shall be recovered against one or more of several persons jointly indebted upon a contract by proceeding as provided in section 41, those who were not originally summoned to answer the complaint, may be summoned to show cause why they should not be bound by the judgment in the same manner as if they had been originally summoned.

If judgment debtor die, his representatives may be summoned.

SEC. 279. In case of the death of a judgment debtor after judgment, the heirs, devisees, or legatees of the judgment debtor, or the tenants of real property owned by him, and affected by the judgment, may after the expiration of three years from the time of granting letters testementary, or of administration upon the estate of the testator or intestate, be summoned to show cause why the judgment should not be enforced against the estate of the judgment debtor in their hands respectively, and the personal representatives of a deceased judgment debtor, may be so summoned at any time within one year after their appointment.

Form of summons.

SEC. 280. The summons provided in the last two sections shall be subscribed by the judgment creditor, his representatives or attorney, shall describe the judgment, and require the person summoned to show cause within twenty days after the service of the summons and shall be served in like manner as the original summons.

To be accompanied by affidavit of amount due.

SEC. 281. The summons shall be accompanied by an affidavit of the person subscribing it, that the judgment has not been satisfied to his knowledge or information and belief, and shall specify the amount due thereon.

Parties summoned may answer and defend.

SEC. 282. Upon such summons, the party summoned may answer within the time specified therein denying the judgment, or setting up any defence which may have arisen subsequently, and in addition thereto if he be proceeded against, according to section 279, he may make the same defence which he might originally have made to the action, except the statutes of limitation.

Subsequent pleadings and proceedings same as in other actions.

SEC. 283. The party issuing the summons, may demur or reply to the answer, and the party summoned may demur to the reply, and the issues may be tried and judgment may be given in the same manner as in an action, and enforced by execution, or the application of the property charged to the payment of the judgment, may be compelled by attachment if necessary.

Answer and reply to be verified as in actions.

SEC. 284. The answer and reply shall be verified in the like cases and manner and be subject to the same rules as the answer and reply in an action.

SECTION 285. A judgment by confession may be entered without action, either for money due or to become due, or to secure any person against contingent liability on behalf of the defendant, or both, in the manner prescribed by this chapter. Judgment may be confessed for debt due or contingent liability.

SEC. 286. A statement in writing must be made, signed by the defendant, and verified by his oath, to the following effect: Statement in writing and form thereof.

1. It must state the amount for which judgment may be entered, and authorize the entry of judgment therefor.

2. If it be for money due, or to become due, it must state concisely the facts out of which it arose, and must show that the sum confessed therefor is justly due, or to become due.

3. If it be for the purpose of securing the plaintiff against a contingent liability, it must state concisely the facts constituting the liability, and must show that the sum confessed therefor does not exceed the same.

SEC. 287. The statement may be filed with the clerk of the circuit court, who shall endorse upon it, and enter in the judgment book a judgment of the circuit court for the amount confessed, with ten dollars costs, together with disbursements. Judgment and execution.

The statement and affidavit, with the judgment endorsed, shall thereupon become the judgment roll. Executions may be issued and enforced thereon, in the same manner as upon judgments in other cases in such courts. When the debt for which the judgment is recovered is not all due, or is payable in installments, and the installments are not all due, the execution may issue upon such judgment for the collection of such installments as have become due, and shall be in the usual form, but shall have endorsed thereon, by the attorney, or person issuing the same, a direction to the sheriff to collect the amount due on such judgment, with interest and costs, which amount shall be stated with interest thereon, and the costs of said judgment. Notwithstanding the issue and collection of such execution, the judgment shall remain as security for the installments thereafter to become due; and whenever any further installment become due, execution may in like manner be issued for the collection and enforcement of the same.

SEC. 288. In an action arising on contract, the defendant may with his answer serve upon the plaintiff, an offer Defendant may offer to

Liquidate damages [illegible]

in writing, that if he fail in his defence, the damages be assessed at a specified sum, and if the plaintiff signify his acceptance thereof in writing, with or before the notice of trial, and on the trial have a verdict, the damages shall be assessed accordingly.

Effect of acceptance [illegible]

SEC. 289. If the plaintiff do not accept the offer, he shall prove his damages, as if it had not been made, and shall not be permitted to give it in evidence, and if the damages assessed in his favor shall not exceed the sum mentioned in the offer, the defendant shall recover his expenses incurred in consequence of any necessary preparation or defence in respect to the question of damages, such expenses shall be ascertained at the trial.

A party may be required to admit a paper to be genuine or pay expenses of proving it.

SEC. 290. Either party may exhibit to the other or his attorney at any time before the trial, any paper material to the action, and request an admission in writing of its genuineness. If the adverse party or his attorney fail to give the admission within four days after the request, and if the party exhibiting the paper be afterwards put to the expense in order to prove its genuineness, and the same be fully proved or admitted on the trial, such expense to be ascertained at the trial, shall be paid by the party refusing the admission, unless it appears to the satisfaction of the court that there were good reasons for the refusal; but nothing in this act shall be construed to modify or repeal sections 90, 91 and 92, of chapter 98 of the revised statutes. The court before which an action is pending or a judge thereof may in their discretion, and upon due notice, order either party to give to the other, within a specified time, an inspection and copy or permission to take a copy of any books, papers and documents in his possession or under his control containing evidence relating to the merits of the action or the defence therein. If compliance with the order be refused, the court on motion may exclude the paper from being given in evidence or punish the party refusing, or both.

Inspection and copy of books, papers and documents, how obtained.

Actions for discovery abolished.

SEC. 291. No action to obtain discovery under oath, in aid of the prosecution or defence of another action, shall be allowed, nor shall any examination of a party be had on behalf of the adverse party, except in the manner prescribed by this chapter.

[illegible] party may [illegible] his [illegible] as a [illegible]

SEC. 292. A party to an action may be examined as a witness at the instance of the adverse party, or of any one of several adverse parties; and for that purpose may be compelled in the same manner, and subject to the

same rules of examination as any other witness, to testify either at the trial, or conditionally, or upon commission.

Such examination also allowed before trial and proceedings therefor.

SEC. 293. The examination, instead of being had at the trial, as provided in the last section, may be had at any time before the trial, at the option of the party claiming it, before a judge of the court, a county judge, on a previous notice to the party to be examined, and any other adverse party, of at least five days, unless for good cause shown, the judge order otherwise. But the party to be examined shall not be compelled to attend in any other county than that of his residence, or where he may be served with a summons for his attendance.

Party to be compelled to attend.

SEC. 294. The party to be examined, as in the last section provided, may be compelled to attend in the same manner as a witness to be examined conditionally; and the examination shall be taken and filed by the judge in like manner, and may be read by either party on the trial.

Testimony of party may be rebutted.

SEC. 295. The examination of the party thus taken may be rebutted by adverse testimony.

Effect of a refusal to testify.

SEC. 296. If a party refuses to attend and testify as in the last four sections provided, he may be punished as for a contempt, and his complaint, answer or reply, may be stricken out.

Testimony of a party not responsive to the inquiries may be rebutted by the oath of the party calling him.

SEC. 297. A party examined by an adverse party, as in this chapter provided, may be examined on his own behalf in respect to any matter pertinent to the issue; but if he testify to any new matter not responsive to the questions put to him by the adverse party or necessary to explain or qualify his answers thereto, or discharge, when his answers would charge himself, such adverse party may offer himself as a witness on his own behalf in respect to such new matter, and shall be so received.

Persons for whom action is brought or defended may be examined.

SEC. 298. A person for whose immediate benefit the action is prosecuted or defended, though not a party to the action, may be examined as a witness in the same manner and subject to the same rules of examination as if he were named as a party.

Examination of co-plaintiff or co-defendant.

SEC. 299. A party may be examined on behalf of his co-plaintiff, or of a co-defendant, as to any matter in which he is not jointly interested, or liable with such co-plaintiff or co-defendant, and as to which a separate, and not joint verdict or judgment can be rendered. And he may be compelled to attend in the same manner as at the instance of an adverse party; but the examination thus

taken shall not be used in the behalf of the party examined. And whenever in the cases mentioned in sections two hundred and ninety-three, and two hundred and ninety-four, one of the several plaintiffs, or defendants, who are joint contractors, or are united in interest, is examined by the adverse party, the other of such plaintiffs or defendants may offer himself as a witness to the same cause of action or defence, and shall be so received.

No witness to be excluded on account of interest.

SEC. 300. No person offered as a witness shall be excluded by reason of his interest in the event of the action.

To whom last section inapplicable.

SEC. 301. The last section shall not apply to a party to the action, nor to any person for whose immediate benefit it is prosecuted or defended. When an assignor of a thing in action, or contract, is examined as a witness on behalf of any person deriving title through or from him, the adverse party may offer himself as a witness to the same matter in his own behalf, and shall be so received. But such assignor shall not be admitted to be examined in behalf of any person deriving title through or from him against an assignee, or an executor, or administrator, unless the other party to such contract, or thing in action, whom the defendant, or plaintiff represents, is living, and his testimony can be procured for such examination, nor unless ten days' notice of such intended examination of the assignor, specifying the points upon which he is intended to be examined, shall be given in writing to the adverse party.

When necessary to give notice of the examination of assignor.

Definition of an order.

SEC. 302. Every direction of a court or judge made or entered in writing, and not included in a judgment is denominated an order.

Definition of a motion.

Motions how and where made.

SEC. 303. An application for an order is a motion. Motions may be made to a judge out of court, except for a new trial on the merits. Motions must be made within the circuit in which the action is triable. Orders made out of court, without notice, may be made by any judge of the court, in any part of the state, and they may also be made by a county judge or court commissioner, of the county where the action is triable, except to stay proceedings after a verdict. No order to stay proceedings for a longer time than twenty days shall be granted by a judge out of court, except upon previous notice to the adverse party.

When notice is necessary it must be eight days before the hearing.

SEC. 304. When a notice of motion is necessary, it must be served eight days before the time appointed

for the hearing, but the court or judge may, by an order to show cause, prescribe a shorter time.

SEC. 305. In the action in the circuit court a county judge and court commissioner, in addition to the powers conferred upon them in this act, may exercise within their county the powers of a circuit judge in chambers, according to the existing practice, except as otherwise provided in this act, and their orders may be reviewed by the circuit court as provided in this act. But such court commissioners as are mentioned in this act, shall be appointed by the circuit court for the express purpose of performing the duties authorized by this act.

In action in circuit court county judge and commissioner may act at chambers. Their orders, how reviewed

SEC. 306. There shall be held by each of the circuit judges in each circuit, at least four special terms, in each year, for the trial of issues of law, for the hearing and trial of causes without a jury, for the hearing of motions and the transacting of any and all business that may be done at a regular term, except the trial of issues of fact by a jury, at such time and places as the circuit judge shall designate; the said judges shall each, immediately, designate and publish the times and places of holding said terms, and when designated, they shall not be changed within two years, and at such terms, the issues of law and motions, and all other business that may be heard and disposed of with the same force and effect as it may now be heard and disposed of in the county in which the causes or matters are pending, and when the causes or matters are pending in other counties in the circuit different from the county in which the special term is held, the clerk of the court shall certify the orders and papers to the clerk of the circuit court of the county where the same is pending, and the papers shall be filed and entered by the clerk of the court of the county where the cause or matter is pending, in the same manner as if the cause or matter had been heard or decided by the circuit court at a term thereof held in that county.

Special circuits, number of, how designated and business done thereat.

SEC. 307. When notice of a motion is given, or an order to show cause is returnable before a judge out of court, and at the time fixed for the motion he is absent, or unable to hear it, the same may be transferred by his order to some other judge before whom the motion might originally have been made.

In absence of judge at chambers notice may be transferred to another judge.

SEC. 308. The time within which any proceeding in an action must be had after its commencement, except the time within which an appeal must be taken, may be en-

Enlarging time for proceeding in action.

larged upon an affidavit showing grounds therefor, by a judge of the court, or court commissioner, or by a county judge. The affidavit, or a copy thereof, must be served with a copy of the order, or the order may be disregarded.

SECTION 309. It shall not be necessary to entitle an affidavit in the action; but an affidavit made without a title, or with a defective title, shall be as valid and effectual for every purpose as if it were duly entitled, if it intelligibly refer to the action or proceeding in which it is made.

SECTION 310. The time within which an act is to be done as herein provided, shall be computed by excluding the first day, and including the last. If the last day be Sunday, it shall be excluded.

SECTION 311. Notices shall be in writing, and notices and other papers may be served on the party, or attorney, in the manner prescribed in the next three sections when not otherwise provided by this act.

Service personal or by copy in office or house.

SEC. 312. The service may be personal, or by delivery to the party or attorney on whom the service is required to be made, or it may be as follows:

1. If upon an attorney, it may be made during his absence from his office, by leaving the paper with his clerk therein, or with a person having charge thereof; or when there is no person in the office, by leaving it, between the hours of six in the morning and nine in the evening, in a conspicuous place in the office, or if it be not open, so as to admit of such service, then by leaving it at the attorney's residence with some person of suitable age and discretion.

2. If upon a party, it may be made by leaving the paper at his residence between the hours of six in the morning and nine in the evening, with some person of suitable age and discretion.

Service by mail, when and how.

SEC. 313. Service by mail may be made, where the person making the service, and the person on whom it is to be made reside in different places between which there is a regular communication by mail.

Postage to be paid.

SEC. 314. In case of service by mail, the paper must be deposited in the post office, addressed to the person on whom it is to be served, at his place of residence, and the postage paid.

Double time when served by mail.

SEC. 315. When the service is by mail, it shall be double the time required in case of personal service.

Notice of motion, &c. to be eight days.

SEC. 316. Notice of a motion or other proceeding before a court or judge when personally served, shall be given at least eight days before the time appointed therefor.

SEC. 317. Where a defendant shall not have demurred or answered service or notice or papers in the ordinary proceedings in an action need not be made upon him unless he be imprisoned for want of bail, but shall be made upon him or his attorney, if notice of appearance in the action has been given.

Service of papers where party resides out of the state.

SEC. 318. Where a plaintiff or a defendant who has demurred or answered, or gives notice of appearance, resides out of the state and has no attorney in the action, the service may be made by mail, if his residence be known, if not known, on the clerk for the party.

Summons and pleadings to be filed.

SEC. 319. The summons and the several pleadings in an action, shall be filed with the clerk within ten days after the service thereof, respectively, or the adverse party, on proof of the omission, shall be entitled, without notice, to an order from a judge, that the same be filed, within a time specified in the order, or be deemed abandoned.

Service on attorney.

SEC. 320. Where a party shall have an attorney in the action, the service of papers shall be made upon the attorney instead of the party.

When this chapter does not apply.

SEC. 321. The provisions of this chapter shall not apply to the service of a summons or other process or of any paper, to bring a party into contempt.

Duty of sheriff or coroner in serving or executing process and how enforced.

SEC. 322. Whenever, pursuant to this act, the sheriff may be required to serve or execute any summons, order, or judgment, or to do any other act, he shall be bound to do so in like manner as upon process issued to him, and shall be equally liable in all respects, for neglect of duty, and if the sheriff be a party, the coroner shall be bound to perform the service, as he is now bound to execute process, when the sheriff is a party, and all the provisions of this act relating to sheriff's shall apply to coroners, where the sheriff is a party.

Guardian not to receive property without security, when necessary.

SEC. 323. No guardian appointed for an infant shall be permitted to receive property of the infant, until he shall have given sufficient security, approved by a judge of the court, or a county judge, or court commissioner, to account for and apply the same under the direction of the court.

Referees are authorized to administer oaths and exercise powers now vested in referees by law.

SEC. 324. Every referree appointed pursuant to this act, shall have power to administer oaths in any proceeding before him, and shall have generally the powers now vested in a referee by law.

Papers lost or withheld, how supplied.

SEC. 325. If any original pleading or paper be lost or withheld by any person, the court may authorize a copy thereof to be filed and used instead of the original.

Where undertakings are to be filed.

SEC. 326. The various undertakings required to be given by this act must be filed with the clerk of the court, unless the court expressly provides for a different disposition thereof, except that the undertakings provided for by the chapter on the claim and delivery of personal property shall, after the justification of the sureties, be delivered by the sheriff, to the parties respectively, for whose benefit they are taken.

On appeal judgment may be entered up against appellant and surety jointly, and when collected of surety.

SEC. 327. On an appeal from a justice of the peace, if the appellate court shall give judgment against the party appealing, such judgment may be entered up against the appellant and surety jointly, but it shall not be collected of the surety by the officer to whom the execution is directed, if he can find sufficient property of the principal to satisfy the same, and the party issuing execution, shall endorse a direction thereon to that effect.

Judgment against surety.

SEC. 328. When a judgment shall be entered up against either party, in an action for the claim and delivery of personal property, such judgment may be entered up as well against the principal as against any surety, who shall have signed a written undertaking with him, for a return or delivery of the property, as prescribed in this act, and in case where the officer to whom the execution is directed, may collect the value of the property, or any damages or costs of the principal, he shall, if he cannot find sufficient property of the principal to satisfy the same, collect the whole or any part of the judgment, which may remain unsatisfied, of the property of such surety or sureties, and the party issuing execution shall endorse a direction thereon to that effect.

Judgment on bond and warrant of attorney, affidavit of plaintiff necessary.

SEC. 329. Judgment upon bond or note and warrant of attorney may be entered up as now provided by law, and this act, so far as the entering of such judgment shall not apply thereto, but the plaintiff, or some one in his behalf, shall make and file with the judgment record an affidavit, stating the amount actually due on the bond or note, at the time of entering such judgment.

Time for publication of notice, how computed.

SEC. 330. The time for publication of legal notices shall be computed so as to exclude the first day of publication, and include the day on which the act or event, of which notice is given, is to happen, or which completes the full period required for publication.

SEC. 331. The writ of *scire facias*, the writ of *quo warranto*, and proceedings by information in the nature of *quo warranto*, shall be as here prescribed, and the remedies heretofore obtainable in those forms, may be obtained by civil action, under the provisions of this chapter. But any proceeding heretofore commenced, or judgment rendered, or right acquired, shall not be affected by this act. It shall not be necessary to sue out such writs in form.

Scire facias and quo warranto as prescribed in this act.

SEC. 332. Actions of *quo warranto* and *mandamus* shall be tried at special as well as at general terms of the circuit court, and the court shall have power to summon a jury for the purpose and prescribe the manner of summoning the same.

Actions of quo warranto and mandamus, where tried.

SEC. 333. An action may be brought by the attorney general, in the name of the state, whenever the legislature shall direct, against a corporation, for the purpose of vacating or annulling the act of incorporation, or an act renewing its corporate existence, on the ground that such act or renewal was procured upon some fraudulent suggestion or concealment of a material fact, by the persons incorporated, or by some of them, or with their knowledge and consent.

Action may be brought by attorney general to vacate a charter by direction of the legislature.

SEC. 334. An action may be brought by the attorney general in the name of the state, on leave granted by the supreme court, or a judge thereof for the purpose of vacating the charter, or annulling the existence of a corporation other than municipal when such corporation shall:

Action annulling corporation by attorney general by leave of supreme court.

1. Offend against any of the provisions of the act or acts, creating, altering or renewing such corporation.

2. Violate the provisions of any law, by which such corporation shall have forfeited its charter by abuse of its powers, or

3. Whenever it shall have forfeited its privileges or franchises by failure to exercise its powers, or

4. Whenever it shall have done, or omitted any act which amounts to a surrender of its corporate rights, privileges or franchise, or

5. Whenever it shall exercise a franchise or privilege not conferred upon it by law. And it shall be the duty of the attorney general whenever he shall have reason to believe that any of these acts or omissions can be established by proof to apply for leave, and upon leave granted to bring the action in every case of public interest, and also in every other case in which satisfactory security shall

be given to indemnify the people of this state against the costs and expenses to be incurred thereby.

Leave, how obtained.

SEC. 336. Leave to bring the action may be granted upon the application of the attorney general, and the court or judge may in its discretion, direct notice of such application to be given to the corporation or its officers previous to granting such leave, and may hear the corporation in opposition thereto.

An action by attorney general or other persons to try the title to an office.

SEC. 336. An action may be brought by the attorney general in the name of the state upon his own information, or upon the complaint of any private party, against the parties offending in the following cases:

1. When any person shall usurp, intrude into, or unlawfully hold or exercise any public office, civil or military, or any franchise within this state, or any office in a corporation created by the authority of this state, or

2. When any public officer, civil or military, shall have done or suffered an act which, by the provisions of law, shall make a forfeiture of his office, or

3. When any association, or number of persons, shall act within this state as a corporation without being duly incorporated,

4. Such action may be brought in the name of the people of this state, by a private person on his own complaint, when the attorney general refuses to act, or when the office usurped pertains to a county, town, city or district.

Action, when and how brought to vacate letters patent.

SEC. 337. An action may be brought by the attorney general in the name of the state, for the purpose of vacating or annulling letters patent granted by the people of this state, in the following cases:

1. When he shall have reason to believe that such letters patent were obtained by means of some fraudulent suggestion, or concealment of a material fact, made by a person to whom the same were issued, or made with his consent or knowledge.

2. When he shall have good reason to believe that such letters patent were issued through mistake, or a ignorance of a material fact, or

3. When he shall have reason to believe that the patentee, or those claiming under him, have done or omitted an act in violation of the terms and conditions on which the letters patent were granted, or have by any other means forfeited the interest acquired under the same.

SEC. 338. When an action shall be brought by the attorney general by virtue of this chapter, on the relation or information of a person having an interest in the question, the name of such person shall be joined with the state as plaintiff. Relator when to be joined as plaintiff.

SEC. 339. Whenever such action shall be brought against a person for usurping an office, the attorney general or person complaining, in addition to the statement of the cause of action, may also set forth in the complaint the name of the person rightfully entitled to the office, with a statement of his right thereto, and in such case, upon proof by affidavit, that the defendant has received fees or emoluments belonging to the office, and by means of his usurpation thereof, an order may be granted by a judge of the circuit court, for the arrest of such defendant, and holding him to bail, and thereupon he shall be arrested and held to bail, in the manner and with the same effect, and subject to the same rights and liabilities as in other civil actions, when the defendant is subject to arrest. Complaint and arrest of defendant in action for usurping an office.

SEC. 340. In every such case judgment shall be rendered upon the right of the defendant, and also upon the right of the party so alleged to be entitled, or only upon the right of the defendant, as justice shall require. Judgment in such actions.

SEC. 341. If the judgment be rendered upon the rights of the person so alleged to be entitled, and the same be in favor of such person, he shall be entitled, after taking the oath of office and executing such official bond as may be required by law, to take upon himself the execution of the office, and it shall be his duty immediately thereafter, to demand of the defendant in the action, all the books and papers, in his custody, or within his power, belonging to the office from which he shall have been excluded. Assumption of office, &c., by relator when judgment in his favor.

SEC. 342. If the defendant shall refuse or neglect to deliver over such books or papers pursuant to the demand, he shall be guilty of a misdemeanor, and the same proceedings shall be had, and with the same effect, to compel delivery of such books and papers, as are provided by law. Proceedings against defendant on refusing to deliver books and papers.

SEC. 343. If judgment be rendered upon the right of the person so alleged to be entitled, in favor of such person, he may recover, by action, the damages which he should have sustained by reason of the usurpation by the defendant of the office from which such defendant has been excluded. Damages, how recovered.

When actions against several persons claiming office or franchise.

SEC. 344. When several persons claim to be entitled to the same office, or franchise, one action may be brought against all such persons, in order to try their respective rights to such office or franchise.

Penalty for usurping office or franchise, how awarded.

SEC. 345. When a defendant, whether a natural person or a corporation, against whom such action shall have been brought, shall be adjudged guilty of usurping or intruding into, or unlawfully holding or exercising any office, franchise or privilege, judgment shall be rendered that such defendant be excluded from such office, franchise or privilege, and also that the plaintiff recover costs against such defendant. The court may also, in its discretion, fine such defendant a sum not exceeding two thousand dollars, which fine, when collected, shall be paid into the treasury of the state.

Judgment of forfeiture against corporations.

SEC. 346. If it shall be adjudged that a corporation against which an action shall have been brought pursuant to this chapter, has, by neglect, abuse or surrender, forfeited its corporate rights, privileges and franchises, judgment shall be rendered, that the corporation be excluded from such corporate rights, privileges and franchises, and that the corporation be dissolved.

Costs against corporations or persons claiming to be such, how collected.

SEC. 347. If judgment be recovered in such action against a corporation, or against persons claiming to be a corporation, the court may cause the costs therein to be collected, by execution against the persons claiming to be a corporation, or by attachment or process against the directors, or other officers of such corporation.

Restraining corporations and appointment of a receiver.

SEC. 348. When such judgment shall be rendered against a corporation, the court shall have the same power to restrain the corporation, to appoint a receiver of its property, and to take an account, and make distribution thereof among its creditors, as are given by law.

Copy of judgment roll against corporations, when to be filed.

SEC. 349. Upon the rendition of such judgment against a corporation, or for vacating or annulling of letters patent, it shall be the duty of the attorney general to cause a copy of the judgment roll to be forthwith filed in the office of the secretary of state.

Actions for forfeiture of property to the people.

SEC. 350. Whenever by the provisions of law, any property, real or personal, shall be forfeited to the people of this state, or to any officer for their use, an action for the recovery of such property, alleging the grounds of the forfeiture, may be brought by the proper officer in the circuit court.

SEC. 351. The provisions of the revised statutes relating to the partition of lands, tenements and hereditaments, held or possessed by joint tenants in common, shall apply to actions for such partition, brought under this act, so far as the same can be applied to the substance and subject matter of the action without regard to its forms.

Provisions of revised statutes.

Application to actions of partition.

SEC. 352. Proceedings to compel the determination of claims to real property pursuant to the provisions of the revised statutes may be prosecuted by action under this act without regard to the forms of the proceedings as they are prescribed by those statutes.

Action to determine claims to real property, how prosecuted.

SEC. 353. The general provisions of the revised statutes relating to actions concerning real property, shall apply to actions brought under this act according to the subject matter of the action and without regard to its forms.

Provisions of revised statutes applicable to actions concerning real property brought under this act.

SEC. 354. Wherever a right now exists to have a review of a judgment rendered, or order or decree made before the ~~tenth day of December, eighteen hundred and fifty-six~~, such review may be had upon an appeal taken in the manner provided by this act. But this section shall not extend the right of review to any case or question to which it does not now extend, nor the time of appealing, nor shall it apply to a case where a writ of error has been already issued.

Manner of reviewing judgment in existing cases.

SEC. 355. An execution may be issued without leave of the court upon a judgment docketed before the tenth day of December, eighteen hundred and fifty-six, or now or hereafter to be rendered in any action pending on that day, at any time within two years after the rendering of the judgment.

Execution on judgment heretofore rendered.

SEC. 356. The provisions of this act apply to future proceedings in actions or suits heretofore commenced and now pending as follows:

1. If there have been no pleading therein, to the pleadings and all subsequent proceedings.

2. When there is an issue of law or of fact or any other issue of fact to be tried, to the trial and subsequent proceedings.

3. After a judgment or order to the proceedings to enforce, vacate, modify or reverse it, including the costs of appeal.

Provisions of this act applicable to proceedings in actions.

SEC. 357. The words "real property," as used in this act are co-extensive, with lands, tenements and hereditaments.

Definition of real property.

Definition of personal property.

SEC. 358. The words "personal property," as used in th act, include money, goods, chattels, things in action, a evidences of debt.

Definition of property.

SEC. 359. The word "property," as used in this act, i cludes property real and personal.

Definition of a circuit.

SEC. 360. The word "circuit," as used in this act, signifi judicial circuit, except when otherwise specified.

Common law rule of construction of statute inapplicable to this act.

SEC. 361. The rule of common law, that statutes in d rogation of that law are to be strictly construed, has n application to this act.

Statutory provision inconsistent with this act repealed.

SEC. 362. All statutory provisions inconsistent wi this act are repealed; but this repeal shall not revive statute or law which may have been repealed or abolishe by the provisions hereby repealed. All the rights of a tion given or secured by existing laws, may be prosecute in the manner provided by this act. If a case shall ari in which an action for the enforcement or protection of right, or the redress or prevention of a wrong, cannot b had under this act, the court where such action aris shall provide a remedy which shall conform as near may be to this act.

Rules and practices inconsistent with this act abrogated.

SEC. 363. The present rules and practice of the cou in civil actions inconsistent with this act are abrogated but where consistent with this act, they shall contin in force, subject to the power of the respective courts relax, or modify, or alter the same.

Judges of supreme court to make general rules, and until then the rules of courts of New York to be rules of practice.

SEC. 364. The judges of the supreme court shall m in the capitol, at the city of Madison, on the second We nesday in December eighteen hundred and fifty-six, a revise their general rules, and the rules of the circ courts, and make such amendments thereto as may b necessary to carry into effect the code of proceeding and till such revision, the rules of the court of appe and supreme court of New York, adopted since eighte hundred and forty-eight, shall, as far as applicable, be th rules of practice in the courts of record in this state.

This act not to affect certain proceedings and statutory provisions.

SEC. 365. Until the legislature shall otherwise provi this act shall not affect proceedings upon *mandamus*, prohibition nor appeals from probate courts, nor any sp cial statutory remedy not heretofore obtained by acti nor any existing statutory provisions, relating to actio not inconsistent with this act, and in substance applica to the actions hereby provided; nor any special proce

ɣs provided for by the revised statutes, except that ıen in consequence of any such proceeding, a civil ion shall be brought, such action shall be conducted in ıformity with this act.

ıec. 366. Chapter one hundred twelve and one hundred teen of the revised statutes, except sections six, seven, ıt, nine, ten, eleven, twenty-five and twenty-six, of first named chapter, and chapter eighty-nine of the ion laws of eighteen hundred fifty one are hereby re-ed, except as the provisions of said chapter are allow-y this act to apply to suits under this code.

Certain parts of revised and other statutes repealed.

ıo. 367. The secretary of state shall, forthwith, after passage of this act, cause six thousand copies thereof ı printed in a separate pamphlet, as session laws are printed, and he shall, as soon as said pamplet is ed, distribute the same as the session laws are now red to be distributed, by law, and the remaining s shall be retained in the office of the secretary of to be sold at cost to any person desiring to purchase ıme, (not more than five copies to one person), and ıll not be necessary to print the [this] act in the n laws.

How this act to be printed.

. 368. The governor shall appoint some competent ı, whose duty it shall be to superintend the printing l pamphlet, and revise and correct the proof sheets, vide the same into proper titles and chapters and ıs, with a suitable index, and such person shall be l to five dollars per day for his services, and his t, when sworn to by him, shall be audited and paid state treasurer out of any money not otherwise riated.

Governor to appoint person to superintend printing, &c.

·oved October 9th, 1856.

CHAPTER 121.

Published November 12.

An Act concerning Railroads.

ıeople of the State of Wisconsin, represented in nd Assembly, do enact as follows:

ɴ 1. Any railroad company may borrow such sum of money, at such rates of interest and upon such

Railroad companies may

borrow money and execute trust deeds, &c.

terms, as said company or its board of directors shall au thorize and agree upon and may deem necessary or expe dient, and may execute one or more trust deeds or mor gages, or both, as occasion may require, on any railroad, o railroads constructed in or in process of construction b said company, for the amount or amounts, borrowed o owing by such company, upon such terms and in suc manner as such company or its board of directors shal deem expedient, and such company may make such pro visions in such trust deed or mortgage for pledging o transferring their railroad track, right of way, depot ground rights, privileges, franchises, immunities, machine house rolling stock, furniture, tools, implements, appendages an appurtenances belonging to or used in connection wit such railroad or railroads, in any manner whatever as se curity, for any bonds, debts, or sums of money that ma be secured by such trust deed or mortgage, as they shal think proper, and in case of any sale of any railroad o railroads, or any part thereof constructed or in process o construction by any railroad company, on or by virtue o any trust deed or on foreclosure of any mortgage, there upon the party or parties acquiring title under any suc sale, and their associates, successors or assigns, shall hav and acquire thereby, and shall exercise and enjoy there after all and the same rights, privileges, grants, franchise immunities and advantages in and by said mortgage trust deed enumerated and conveyed, which belonged and were enjoyed by the company making such deed mortgage, or contracting such debt so far as the sa relate and appertain to that portion of said road or line thereof mentioned and described in and conveyed said mortgage or trust deed, and no further, as fully a absolutely in all respects as the corporators, share hold officers, and agents of such company might or could h done, therefore, had not such sale or purchase taken pl such purchaser or purchasers, their associates, succes or assignors may proceed to organize anew and elec tors, distribute and dispose of stock, take the sa another name, and may conduct their business ge under, and in the manner provided in the charter railroad company, with such variations in manner and of organization, as their altered circumstances and convenience may seem to require; *Provided*, That no greater or enlarged powers shall be exerci the new organization, than are conferred by the char such company.

Proviso.

SEC. 2. All rolling stock of any railroad company used and employed in connection with its railroad, shall be, and the same are hereby declared to be fixtures, and all such property, and all additional right of way, depot grounds and other real property acquired subsequently to the execution of any such trust deed or mortgage, which may be described or provided for therein, shall be subject to the same lien as is created by such trust deed or mortgage, upon the property therein described, to which such company had title at the time of its execution; every such mortgage or trust deed, upon any railroad in this state, and upon any part thereof, and every discharge or satisfaction thereof, may be recorded in the office of the secretary of state, in a proper book kept for that purpose, and the certificate of such recording endorsed on such mortgage or trust deed, by the secretary of state, shall be evidence thereof, and the said mortgage or trust deed so recorded, shall have the same effect, as if recorded in the several counties through which said road may be built, and the record of such trust deed or mortgage so made as above provided, shall be evidence, and notice of the lien hereby created upon all such subsequently acquired property, to all persons interested to the same extent and with the same effect as the same is now by law made; notice of the time of such trust deed or mortgage upon any property to which such railroad had at the time of its execution.

Rolling stock declared to be fixtures.

SEC. 3. It shall and may be lawful for any railroad company annually, or oftener, as its board of directors shall deem expedient, to set apart and appropriate a sum of money not exceeding fifty per cent of its net earnings or earnings in any one year after paying the current expenses of their road, and the interest and its outstanding indebtedness, in order to sink, redeem, pay off, cancel or discharge the indebtedness of said company incurred in the construction and equipment of its road; and said sums so set apart shall be annually applied to the payment and discharge of such debts, of said company as shall be due, and to the purchase and redemption of the outstanding obligations of indebtedness of said company, upon the best and most favorable terms, to be held or cancelled by said company as the board of directors thereof shall deem most for the interest of said company.

May establish a sinking fund.

SEC. 4. That all mortgages or trust deeds heretofore made by any railroad company, are hereby declared

Mortgages, &c. made prior to

the passage of this act.

to be included within, and subject to the provisions of this act as fully and effectually as if its provisions had been incorporated in its charter, prior to, and at the time of the execution of such mortgages or trust deed: *Provided, however*, That such railroad company shall first accept of the provisions of this act by a resolution of its board of directors, and shall cause a copy thereof, under the certificate of its secretary, with the corporate seal thoreof attached thereto, to be filed in the office of the secretary of state: *And provided further*, That this section shall not be construed in any wise to affect any liens acquired by any person or persons, corporation or body politic, upon such subsequently acquired property, at any time after the execution of such mortgage, and prior to the filing of the acceptance of the provisions of this act as above provided, in the office of the secretary of state.

Provisos.

Suits brought or instituted.

SEC. 5. All suits brought or instituted against any railroad corporation, created by the laws of this state, except appeals from the awards of commissioners or jurors appointed under its act of incorporation to appraise compensation and damages for property taken, for the use of such corporation, shall be brought in some county through which such railroad runs, ~~and no proceedings shall be had or entertained in any such suit, unless the process shall have been duly served upon the president, secretary, superintendent or general attorney of such corporation.~~

Repealed 58 M. 46

In case of sale of railroad, &c.

SEC. 6. In case of any sale of any railroad, or of any portion of any railroad, with its appurtenances, property, right of way, franchises, and privileges, or any of them under, and by virtue of any trust deed or mortgage, now executed, or that may be hereafter executed upon the same, such sale when made in accordance with the provisions contained in such trust deed or mortgage, shall be absolute, unless the said company or any subsequent incumbrancer, shall, within one year from and after the date of such sale, redeem said railroad and property so sold, by paying the amount of the purchase money on such sale and the interest thereon, at the rate of twenty per cent per annum, in the manner provided by law, and any such sale shall not be required to be made in accordance with any other law of this state, for the sale of real estate under foreclosure of mortgage or otherwise.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved October 10, 1856.

CHAPTER 122.

Published November 4, 1856.

An Act to grant certain lands to the La Crosse and Milwaukee Railroad Company, and to execute the trust created by an act of Congress, entitled "an act granting public lands to the State of Wisconsin to aid in the construction of railroads in said state." Approved June 3d, 1856.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The La Crosse and Milwaukee railroad company is hereby authorized and empowered to survey, locate, contract, complete and perpetually to have, use, maintain and operate railroads, with one or more tracks or lines, from the city of Madison, in the county of Dane, and from the village of Columbus, in the county of Columbia, on the most direct and feasable route, by the way of Portage City, to the St. Croix river or lake, between townships twenty five and thirty one, and from thence to the west end of Lake Superior, and to Bayfield, and shall have, possess, exercise and enjoy the same rights, privileges, functions, franchises, authority and immunities with reference to the said routes, or any railroad to be built thereon, as it now possesses, or enjoys, with reference to any route it is now authorized to occupy, or any railroad built to be built thereon, and there is hereby conferred upon the La Crosse and Milwaukee railroad company, all the power and authority contained in the charter of said company, and in the acts amendatory thereof, for the purpose of carrying out the object of this act and of appropriating and applying the lands hereinafter, in this act granted, or their proceeds, to aid in the construction of railroads by this act authorized to be built. La Crosse railroad company to build and maintain certain roads.

SEC. 2. The said roads shall be constructed on the most direct and feasable routes from Madison to Portage City, and from Columbus to Portage City, and simultaneously as early as practicable, and both of them shall be completed by the last day of December A. D. 1858, and for the purpose of estimating and selecting the lands granted by congress, the city of Madison is hereby designated as the point of commencement of said road, and the whole line railroad hereby authorized to be constructed shall Routes.

be constructed by said La Crosse and Milwaukee railroad company, within ten years from the third day of June A. D. 1856.

Powers granted.

SEC. 3. The said La Crosse and Milwaukee railroad company shall never set up the defence of usury, to any contract in any court whatever; it may purchase and own rails, chairs, spikes, engines, tenders, cars and all other things necessary or useful for the construction or operation of a railroad, and sell the same; and it shall also have power and authority to operate its said roads, or either of them, in connection with any, and all other railroads which may cross, come up to, or connect with the said railroads, or either of them, upon such terms as shall be mutually agreed upon, by and between the said companies; *Provided, however*, That the said La Crosse and Milwaukee railroad company, in making any such contract as last aforesaid, shall give no preferance to one company over any such company or companies, as last above mentioned; but all such companies shall be put upon the same equal terms; *And, provided also*, That if the said La Crosse and Milwaukee railroad company, and such other railroad company as may desire a running connection with the same, shall at any time not be able mutually to agree upon the terms of such connections, then and in that case either party may apply to the circuit court of the circuit in which said connection may be sought; and the said circuit court shall appoint three commissioners, whose duty it shall be forthwith to proceed to examine and adjust the terms on which the said connection shall exist, and the said award of terms of connection shall be filed in the office of the secretary of state, and shall be binding on both parties for the term of two years. Such application shall be on not less than ten days notice in writing, to be given by the party making such application to the adverse party.

Proviso.

Proviso.

Interest of state to lands granted to company.

SEC. 4. For the purpose of aiding in the construction of the said roads, which by this act, the said La Crosse and Milwaukee railroad company is authorized to construct, all the interest and estate, present and prospective of this state, in or to any and all the lands granted by the government of the United States to the state of Wisconsin, for the purpose of aiding in the construction of a railroad from Madison or Columbus, by the way of Portage City to the St. Croix river, or lake, between township twenty-five and thirty-one, and from thence to the

west end of Lake Superior, and to Bayfield, by virtue of an act of Congress, entitled "An act granting a portion of the public lands to the state of Wisconsin, to aid in the construction of railroads," approved June 3d, 1856, together with all and singular the rights, privileges and immunities conferred or intended to be conferred by the said act of Congress, are hereby granted to the said La Crosse and Milwaukee railroad company; *Provided*, That the said land shall be exclusively applied in the construction of that road, for which it was granted and selected, and shall be disposed of only as the work progresses, and the same shall be applied to no other work whatever; *And Provided further*, That the title to said lands shall vest in the said La Crosse and Milwaukee railroad company, in the manner following, that is to say, whenever twenty continuous miles of the said road shall have been completed, so as to admit of running regular trains on the same. The governor of this state shall certify to the secretary of the interior, the fact that such twenty continuous miles of such roads are completed as aforesaid, then the title to two hundred and forty sections of said land shall vest in the said La Crosse and Milwaukee railroad company; and when a second twenty continuous miles of said road shall have been completed, so as to admit of running regular trains on the same, the governor shall certify as above, and thereupon a further quantity of one hundred and twenty sections of said lands shall vest in said company, and so from time to time until said roads are completed. And it shall be the duty of the governor so to certify to the secretary of the interior whenever any such twenty miles are completed, so as to admit of running of regular trains of cars over the same. And the governor of the state shall, in his official capacity, and in behalf of the state, and under the great seal thereof, execute and deliver to the La Crosse and Milwaukee railroad company, whenever it shall by virtue of the provisions of this chapter, be entitled to any of said lands, a deed in fee simple of any and all the lands to which said company shall be entitled. *Provided*, That said company shall not sell any of said lands until twenty miles of said road shall be completed, so as to admit of running regular trains over the same, and so on from time to time, so that the sales of land by said company shall never exceed six sections of land for every mile of said road so completed.

Proviso.

Proviso.

Proviso.

ocation of
oute, &c.

SEC. 5. The location and designation of the route and line of the said roads, shall be made by the said La Crosse and Milwaukee railroad company, and the same shall from time to time, and as fast as practicable, be reported to the governor of this state. The selection of lands provided for in the act of Congress herein mentioned, shall be made by such agents as may be appointed by the governor of this state. Said selection, as well as the survey, location and completion of said roads, and the compensation of such agents, shall be at the cost and charge of said company, without charge of any kind upon the treasury of the state of Wisconsin. Said railroads which shall be constructed by the application of funds derived from the lands herein granted, shall be and remain public highways for the use of the government of the United States, free from any toll or other charge upon the transportation of property or troops of the United States; and the United States mail shall be transported over said roads under the direction of the Post Office Department, as provided in said act of Congress.

hall pay an-
ually to the
ate a certain
m in lieu of
xes.

SEC. 6. In consideration of the grants, privileges and franchises herein conferred upon the said La Crosse and Milwaukee railroad company, for the purposes aforesaid, the said company shall, on or before the first day of March, in each year, pay into the treasury of the state such sum as it is by the existing laws of the state required to pay, in place of taxes upon its road so constructed, or which it may hereafter construct under the present charter, and in addition thereto, it shall pay into the treasury of the state, on or before the first day of March in each year, four per centum on the gross earnings of said road, to be built by said company, in pursuance of the power and authority conferred by this act for the year ending on the last day of the preceding December, in place of taxes on that portion of its said railroad so to be constructed; and for the purpose of ascertaining the gross earnings aforesaid, an accurate account of such earnings shall be kept by said company, an abstract whereof shall be furnished by said company to the treasurer of this state, on or before the first day of February, in each year; the truth of which abstract shall be verified by the affidavits of the treasurer and secretary of the said company, and for the purpose of ascertaining the truth of said affidavits and the correctness of such abstracts,, full power is hereby vested in the

furnish to
e treasurer
bstract of
ings, &c.

governor of this state or any other person appointed as may be by law prescribed, to examine the books and papers of said company, and to examine under oath the officers, agents and employees of the said company and other persons, and if any person so examined by the governor or other authorized person, shall knowingly or wilfully swear falsely, concerning the matter aforesaid, every such person is hereby declared to have committed perjury. And for securing to the state the payment of the aforesaid per centum, it is hereby declared that the state shall have a lien upon the railroad of the said company, and upon all other property, estate and effects of said company, whether real, personal, or mixed, and the lien hereby secured by the state shall take and have precedence of all demands, decrees and judgments, against the said company. The first payment shall be made on the first day of March next, after fifty miles of said road shall be completed, and such payment shall be in lieu and in full of all claims of the state for the grant hereby made; and in consideration of such annual payment, the said company shall be forever exempt from all assessments or taxes whatever by the state, or by any county, town, city, village or other municipal authority in the state, (except special taxes for the improvement of streets and sidewalks) upon all stock in the said La Crosse and Milwaukee railroad company, whether belonging to said company or to individuals, or any of its franchises, or estate, real, personal, or mixed, held by said company, and necessary for the operating of said railroad, and said lands granted by said act of congress, and hereby authorized to be conveyed to the La Crosse and Milwaukee railroad company, shall be exempt from all taxation under or by virtue of the laws of this state, for the period of ten years after the passage of this act, unless sooner sold, conveyed or leased by the said La Crosse and Milwaukee railroad company, and the state shall have a prior lien upon the road of said company, and all the appurtenances and stock thereof, for all dues that may accrue to the state from said corporation as herein provided, which lien of the state shall take precedence of all demands, judgments or decrees against said corporation.

Lien on road by state.

Exempt from assessments and taxes.

SEC. 7. Within five years after the title of such lands shall become vested in the said railroad company, the same, if any shall remain unsold, shall be offered for sale

Sale of lands remaining unsold.

days; and all persons shall be permitted to subscribe to said stock on the payment to the treasurer of the company, of five per cent. on the amount subscribed in cash; but no one person shall be allowed to subscribe for more than two hundred and fifty shares of such stock; and in case the number of shares subscribed shall exceed the amount of two millions of dollars, the same shall be reduced to that amount by deducting such sum as may be necessary, *pro rata*, from each of the several subscriptions, and the shares of stock so subcribed, shall be subject to calls for installments thereon, in like manner as the other stock of said railroad company.

Objects cannot be attained by general laws.

SEC. 14. It is hereby declared that in the judgment of the legislature of this state, the objects of the corporation named in this act cannot be attained under or by general by-laws.

To fence its road.

SEC. 15. The La Crosse and Milwaukee railroad company shall fence its road in parcels, as it shall, from time to time, operate the same, within one year after it shall commence the operating of any and every such parcel, until the whole of such railroad shall be in a good, proper, and substantial manner fenced throughout the entire extent thereof.

Public act.

SEC. 16. This act is hereby declared to be a public act and the same, immediately after the passage thereof shall be printed by the state printer, and when thus published, shall take effect and be in force.

Approved October 11, 1856,

CHAPTER 123.

Published November 18.

An Act to provide for paying the Lieutenant Governor for services as member of the State Board of Equalization.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation to Lt. Governor

SECTION 1. The Lieutenant Governor shall receive the same per diem and mileage for attendance as a member of the state board of equalization that he is entitled to

president of the senate, to be paid on the certificate of the secretary of state, and a sum sufficient is hereby appropriated to be paid out of any money in the state treasury, not otherwise appropriated.

Approved Oct. 11th, 1856.

CHAPTER 124.

Published October 15.

An Act to authorize Incorporated Cities and Villages to regulate the Sale of Goods, Wares, Merchandise and other property at auction.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common or city council of any city, and the board of trustees of any incorporated village in this state, are hereby authorized to regulate the sale of any goods, wares, merchandise, or other property, sold at aution within their respective cities or villages. **To regulate auction sales.**

SEC. 2. Such regulation shall be made by ordinance passed in the same manner as other ordinances are by law authorized to be passed, and may prohibit, by proper fines or penalties, all persons from selling any goods, wares, merchandise or other property at auction, within any such city or village, without first having obtained a license therefor, and may also require any auctioneer so licensed, to make quarterly or monthly reports, verified by his affidavit, to the clerk of any such city or village, showing the amount of all such sales made by him subsequent to the date of his last preceding report, and may also require any such auctioneer to pay as a tax to the treasurer of any such city or village, any sum not exceeding two per centum upon such sales, and also may require such licensed auctioneer to execute official bonds for the faithful compliance with the terms of such ordinance, but it shall not be lawful to charge less than five dollars nor more than fifty dollars for any such license, for one year, by virtue of this act: *Provided*, That nothing herein contained shall prohibit, or in any manner affect the sale at auction of any **Regulations, how made.** **Proviso.**

goods, wares, merchandise, or other property, which may be offered for sale by virtue of the judgment, order or decree of any court, or by the provisions of any law of this state or of the United States.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Approved Oct. 11, 1856.

CHAPTER 125.

Published October 15.

An Act to provide for the disposal and sale of the Swamp and Overflowed Lands.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To provide for disposal of swamp and overflowed lands.

SECTION 1. All the lands granted to this state by an act of congress, entitled "an act to enable the state of Arkansas and other states to reclaim the swamp and overflowed lands within their limits," approved September 28, 1850, shall be sold by the attorney general, secretary of state and state treasurer, whenever the governor shall deem it expedient so to do. Such sale shall be conducted in the manner and under the restrictions provided for the sale of the school and university lands, in chapter twenty-four of the revised statutes, so far as said provisions may be applicable, and not inconsistent with the provisions of this act.

Pre-emption rights.

SEC. 2. In all cases of pre emption, under the act of the legislature, entitled "an act for the protection of the swamp and overflowed lands of the state, and to grant pre-emption rights thereon," approved April 2, 1856, the pre emptors, upon complying with the provisions of this and the last aforesaid act, shall have the right to purchase in virtue of such pre emption, one hundred and sixty acres of said swamp or overflowed lands, at one dollar and twenty-five cents per acre; all and every of the pre-emption rights granted by the aforesaid act, approved April 2, 1855, are hereby secured to every person who

before the taking effect of this act, shall have complied with the provisions of the said act, approved April 2, 1855, and every such pre-emptor shall, by the affidavits of at least two credible and disinterested persons, prove that he has complied with the provisions of the aforesaid act, approved April 2, 1855; such affidavit shall be taken before some person by law authorized to administer oaths, and when completed shall be filed with the register of deeds, of the county wherein such pre emption lands lie, or of the county to which it may be for county purposes attached. Such register shall, on demand of, or on behalf of every such pre-emptor, make out a true and complete copy of such affidavits, as aforesaid, and of the declaratory statement of such pre emptor, as aforesaid, and which is required by the aforesaid act, approved April 2d, 1855, and over his official signature, shall certify to the correctness and completeness thereof, in the same manner as by law required, to make copies of the record of deeds evidence.

Affidavits that law has been complied with.

Copies of such declaratory statement and affidavits certified as aforesaid, shall be by, or on behalf of such pre emptor filed with the secretary of state, and the whole purchase money paid at least ten days prior to the time appointed for the sale of the swamp and overflowed lands, in the county where such pre-empted lands lie. A neglect to comply with the provisions of this act, shall be deemed as is hereby declared to be a waiver, surrender and forfeiture of all rights to said lands, in virtue of pre-emption rights.

Copies of same to be filed with secretary of state.

SEC. 3. After the taking effect of this act no pre-emption shall be made to any of said swamp or overflowed lands.

When pre-emption ceases

SEC. 4. Either the attorney general, secretary of state or state treasurer, or any pre-emption claimant, or the contestant of such claimant, may proceed, by way of appeal to the circuit court of the county, wherein is situated any of said swamp or overflowed lands, claimed by pre-emption rights, and in such court have the pre-emption right claim determined by a jury. In all such appeal proceedings the appellant shall, within sixty days after the copies of the statement and affidavits mentioned in section two of this act, and as in the last mentioned section, filed with the secretary of state, procure a certified copy thereof, from the said secretary of state, and file the same in the circuit court to which the appeal is taken.

Appeal.

Circuit court to make rules of procedure.

And the circuit courts shall make rules prescribing the mode of procedure on such appeals. If on appeal, the right claimed by pre-emption shall be determined against the pre-emption claimant, then in that and in every such case, the state treasurer shall refund to such claimant, his heirs, executors or administrators, the purchase money paid by him for the lands by him claimed.

To adopt United States survey.

SEC. 5. It shall be the duty of the said attorney general, secretary of state and state treasurer, to adopt, without appraisal or survey, the lines, boundaries and descriptions of the United States survey, as exhibited by the plats and field notes of the swamp and overflowed lands, and which plats and field notes they are hereby required to procure and pay for, as far as may be necessary, out of the proceeds of the sales of such lands.

Minimum price.

SEC. 6. The minimum price of said swamp and overflowed lands shall be five dollars per acre, except such as shall be purchased in virtue of the pre-emption right. At least one half of the purchase money of all of said lands described or designated in the plats and field notes aforesaid, as timbered lands, shall be paid at the time of the sale thereof, and of all other in the ratio as provided in chapter twenty-four of the revised statutes, for the sale of school and university lands, other than the five hundred thousand acres.

Expenses of sale.

SEC. 7. The legitimate expenses incident to the sale of the swamp and overflowed lands aforesaid, shall be first paid out of the proceeds of such sales, and seventy-five per cent of the residue, and all of the purchase money for the selected lands in this section hereafter mentioned, shall form and be a constituted part of the school fund of this state, and shall be subject to the same uses, designs, regulations and laws. All lands by or under the authority of this state, selected in lieu of swamp and overflowed lands, sold or otherwise disposed of by the United States, since the passage of the aforesaid granting act of congress, is hereby for the purposes contemplated, herein declared to be swamp and overflowed lands.

Per centage paid to county &c.

SEC. 8. Twenty-five per cent of the residue of purchase money mentioned in the next preceding section shall be paid into the county treasury of the county in which the sales may have been made, and the county treasurer, upon the receipt of such money, shall give his receipt therefor to the attorney general, secretary of state and state treasurer, and a distinct and accurate list of all the lands so

in each township, in said county, shall be made in duplicate, by the officers making such sale as aforesaid, one of which shall be filed in the office of the clerk of the county board of supervisors of such county, and the other shall be filed in the office of the secretary of state; and in case there is an organized town in such county, containing any of such lands sold as last aforesaid, which require and are susceptible of being drained, then in that and every such case, such county treasurer shall pay to the treasurer of such town its proportionate share thereof, the same being the twenty-five per cent residue of money realized from the sale of lands therein. And such town shall proceed to the reclamation of such lands, by draining the same, with all convenient speed.

All such money not paid to the town treasurer, as last aforesaid, within two years after the receipt thereof, by the county treasurer, shall be, by such county treasurer, paid into the state treasury, and the same shall form a constituent part of the school fund, and shall be managed as provided by law in relation to said fund.

School land laws made applicable.

SEC. 9. All laws for the protection of school or university lands are hereby extended and made applicable to the swamp and overflowed lands in this act mentioned or contemplated.

Repealed.

SEC. 10. All laws inconsistent with or repugnant to the provisions of this act are hereby repealed.

Sale of lands.

SEC. 11. The swamp and overflowed lands of this state shall be sold in limited quantities for actual settlement, or for the use of an adjoining farm, to each purchaser, not more than three hundred and twenty acres each.

SEC. 12. This act, immediately after its passage, shall be printed by the state printer, and when so published, shall take effect and be in full force.

Approved October 11, 1856.

CHAPTER 126.

Published October 16.

An Act to provide for the revision of the general laws of the State of Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Governor to appoint competent persons to revise laws, &c.

SECTION 1. The governer shall, without delay, after the passage of this act, appoint three competent persons as revisers, whse duty it shall be to collect, compile and digest the general laws of this state, for the purpose of preparing a new edition of such laws for publication, and that said revisers report such compilation, as soon as may be to the legislature of Wisconsin, and said revisers shall accompany their report with such proposed amendments as they may think proper to suggest.

To fill vacancy

SEC. 2. Should either of said revisers refuse to act, or become incapable of acting through sickness or other casualty, it shall be the duty of the governor to appoint some suitable person in his stead.

Compensation.

SEC. 3. The said revisers shall receive such compensation as the legislature may deem just and reasonable, not less than five dollars per day, and this act shall take effect and be in force from and after its passage; *Provided*, that pay for no more than two hundred days service shall be allowed.

Approved October 13, 1856.

CHAPTER 127.

Published November 18.

An Act to fix the time when an act entitled "an act to simplify and abridge the practice, pleadings, and proceedings in the courts of this state" approved October 10th, 1856, shall take effect.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Extending time of taking effect of code.

SECTION 1. The act entitled "an act to simplify and abridge the practice, pleadings and proceedings in the

courts of this state," approved October 10th, 1856, shall take effect and be in force on the first day of March next, and not before, and all acts and parts of acts repealed by the act of which this is amendatory, shall remain in full force and effect until the first day of March next, and no longer.

SEC. 2. So much of the act of which this is amendatory, as conflicts with the provisions of this act, is hereby repealed.

All parts of code inconsistent herewith repealed.

SEC. 3. This act shall take effect and be in force from and after its passage and publication, and this act shall be published in connection with the act of which it is amendatory.

When this act takes effect.

Approved October 13, 1856.

CHAPTER 128.

Published November 18.

An Act to amend an act entitled "an act to authorize the Secretary of State to employ and pay clerks for actual and necessary discharge of the duties of his office," approved March 29th, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The secretary of state shall audit, and the state treasurer shall pay such sum or sums as shall be actually and necessarily expended for clerk hire in the bank comptroller's office, in the same manner as is provided in the act of which this is amendatory for clerks employed in the said secretary of states office; *Provided*, That before the secretary of state shall audit any account for clerk hire in the bank comptroller's office, the bank comptroller shall file with him a certificate, setting forth the particular service rendered by such clerk or clerks, and that the same was necessary to enable him to keep up the business of his office.

Secretary to audit account for clerk hire.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved October 13, 1856.

CHAPTER 129.

Published November 18.

An Act to provide for the punishment of persons placing obstructions upon or injuring railroads.

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

To punish persons doing injury to railroads.

SECTION 1. Any person who shall willfully and maliciously place any obstruction upon the track of any railroad in this state, or take up a rail, or remove a spike or otherwise injure, break down or destroy the bridge, road-bed or other structures of such railroad, shall be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment in the state prison for a term of not less than two nor more than ten years.

In case of death deemed guilty of murder, 1st degree

SEC. 2. In case death shall ensue from any act prohibited by the first section of this act, the person guilty thereof shall be deemed guilty of murder in the first degree, and on conviction thereof shall be punished by imprisonment in the state prison for the term of his natural life.

Negligence of officers—punishment.

SEC. 3. In case death shall ensue from the willful carelessness, negligence or any malicious act of any officer, agent, servant or other employee of any railroad company in this state, the person guilty of such negligence, shall be deemed guilty of a felony, and on conviction thereof, shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, and shall be imprisoned in the states prison for a term of not less than three nor more than ten years.

SEC. 4. This act shall take effect from and after its publication.

Approved October 13, 1856.

CHAPTER 130.

Published November 19.

An Act to organize the county of Juneau and to locate the county seat thereof.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION. 1. From and after the first day of January, A. D. 1857, all that portion of territory lying and being west of the main channel of the Wisconsin river, and now and formally embraced in the county of Adams, shall form and constitute a new and separate county, to be known and designated as the county of Juneau. **County of Juneau organized.**

SEC. 2. From and after the first day of January, A. D. 1857, said county of Juneau shall be organized for judicial purposes, and shall enjoy all the privileges, and immunities of the other counties of this state, and shall form a part of the seventh judicial circuit, and the courts therein shall be held by the judge of said circuit, and all writs, processes, suits, appeals, recognizances and other proceedings in law and equity which may be pending and undetermined in any court in Adams county, at the time this act shall go into effect, shall continue and remain in such court in Adams county, and be there determined according to the usual course of proceedings, notwithstanding they may have originated in that portion of territory hereby set off and made the county of Juneau. After this act shall go into operation, all writs, appeals, recognizances, and all proceedings in law and equity shall be returnable to and have place in the proper court in said county of Juneau. **Organized for judicial purposes, &c.**

SEC. 3. On the first Tuesday of February, A. D. 1857, the legal voters of said Juneau county shall hold a special election in the respective towns and precincts of said county, and elect the several county officers required by law to be elected in each county in this state, which election shall be called, conducted, the votes canvassed and returned in the same manner as is now provided by law for any special election of a county officer or officers, and until such election, and until the several persons so elect- **Election of county officers**

ed shall qualify and resume the duties of their respective offices, the said county of Juneau shall remain under the jurisdiction of said Adams county, for all county purposes, and the business to be transacted with county officers, and all county officers so elected at such special elections shall enter upon the duties of the office to which they are severally elected, as soon as they shall legally qualify under such election.

Terms of court

SEC. 4. There is hereby established in the county of Juneau, two terms each year of said circuit court, which shall be held by the judge of the seventh judicial circuit at such time as he shall appoint, until said terms are regularly established by law. The said judge shall further appoint the times for holding such terms of court, and give notice of the same by filing a notice of the same with the clerk of the circuit court of said county.

To transcribe papers of record.

SEC. 5. The register of deeds of Adams county shall, as soon as may be, transcribe into suitable books, all records of conveyance and other papers recorded in his office at the time this act shall go into operation, relating to real estate, situated in the territory hereby embraced in said county of Juneau, and deliver the same to the register of deeds, who shall be elected in said county of Juneau, and shall receive therefor the compensation now established by law for like services.

County seat.

SEC. 6. The county seat of said county of Juneau shall be and hereby is located at the village of New Lisbon, in town sixteen, range three, east of the fourth principal meridian.

SEC. 7. This act shall be in force and go into effect on the first day of January, A. D. 1857.

Approved Oct. 13, 1856.

CHAPTER 131.

Published October 17.

An Act to provide for levying a State Tax for the year 1856

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

The tax.

SECTION 1. There shall be levied and collected for the year 1856, a state tax of three hundred thousand dollars

(300,000) to be apportioned among, and assessed upon the several counties of this state, as provided in chapter seventy-three (73), of the session laws of 1854, entitled "an act to establish a board of equalization of state tax, and to provide for levying a state tax for the year 1854," approved April 1st 1854: and shall be levied upon the property real and personal in this state, according to the equalization to be made the present year, by state board of equalization, which tax shall be levied, collected and paid into the state treasury as provided by law.

SEC. 2. The state board of equalization shall within ten days after the passage of this act proceed to, and make the equalization aforesaid, and immediately certify the same to the several counties in this state, as provided by law, to have full force and effect for the year 1856. Equalization.

SEC. 3. This act shall take effect immediately after its passage, and shall be immediately printed, and ten printed copies thereof sent to the clerk of the board of supervisors of every county in this state—by the secretary of state.

Approved October 13, 1856.

CHAPTER 132.

Published November 14.

Act to prevent the spreading of a weed, known by the name of Snapdragon.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. No person or persons residing upon or occupying any land within this state, either as owner, lessee or otherwise for purposes of cultivation, shall knowingly permit or allow the weed known by the name of Snapdragon, to go to seed on such land, under the pains and penalties prescribed in the following section: To prevent the growth of snapdragon.

SEC. 2. Any person or persons violating the provisions of the preceding section, shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be punished by a fine not exceeding one hundred dollars nor less than five dollars. Punishment for not complying with this act.

Justices of peace to have jurisdiction.

SEC. 3. Justices of the peace shall have jurisdiction within their respective counties of all violations of this act, and it shall be competent for any person to complain of and prosecute any person or persons violating the provisions of this act.

Approved October 13, 1856.

CHAPTER 133.

Published November 15.

An Act to authorize the Town Board of Supervisors to levy a Special Tax for the purpose of constructing and maintaining Permanent Bridges.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Supervisors may levy a bridge tax.

SECTION 1. The respective boards of supervisors in any town in this state are hereby authorized and empowered to levy and collect a tax on all the taxable property of such town, for the purpose of rebuilding and maintaining suitable and permanent bridges across any river, stream or creek in any such town, whenever the board of supervisors of any such town shall deem it necessary, for the public interest and convenience, to rebuild repair or maintain any such bridge: *Provided*, That no such tax shall exceed the sum of three hundred dollars for any bridge, and not more than one such tax shall be levied and collected in any one year in any of said towns: *And provided further*, That all the supervisors agree in levying and assessing such tax.

Proviso.

When levied.

SEC. 2. Said tax shall be levied and collected whenever any of said board of supervisors shall decide, in the same manner as other town taxes are levied and collected.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved October 13th, 1856.

CHAPTER 134.

Published November 14.

An Act regulating the Terms of the Circuit Court in the county of Waukesha, and the Terms of the Circuit Court in the County of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The terms of the circuit court in and for the county of Milwaukee, shall be holden and commence as follows: On the second Monday in February, on the third Monday in April, on the fourth Monday in June, on the third Monday in September, and on the fourth Monday in December in each year.

Terms of court in Milwaukee county.

SEC. 2. The first Jurors for the April and December terms of the circuit court, in said county, shall be summoned to attend on Monday of the second week on said terms.

Jurors.

SEC. 3. The supervisors of the county of Milwaukee, shall select and return to the clerk of the circuit court, in the manner provided by law, at their annual meeting in November, a list of one hundred and eighty petit jurors.

Supervisors to return list of jurors.

SEC. 4. The terms of the circuit court, in and for the county of Waukesha, shall be holden and commence as follows: On the fourth Monday in March, on the second Monday in June, and on the third Monday in November each year.

Terms of Waukesha court.

SEC. 5. All writs and process issued out of the said circuit and county courts, after this act shall take effect, shall be made returnable at the respective terms of the said courts as herein fixed, except when otherwise made returnable by order of a court or judge, in pursuance of law; and all writs and process which may be issued and made returnable at any term which is hereby changed or abrogated, shall be deemed and taken to be returnable on the first day of the next ensuing term of said courts respectively.

Writs, &c. when returnable.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved October 13th, 1856.

CHAPTER 135.

Published November 15.

An Act to provide for the purchase of a certain number of copies of Webster's Unabridged Dictionary, and for their distribution to the several school districts of this State.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Superintendent to purchase 300 copies of Webster's dictionary.

SECTION 1. The superintendent of public instruction is hereby authorized to purchase and distribute three hundred copies of Webster's Unabridged Dictionary upon the same terms and under the same provisions of an act entitled "an act to provide for the purchase of a certain number of copies of Webster's Unabridged Dictionary, and for their distribution to the several public schools of this state," approved March 21st, 1855, and all the provisions for the payment and for the distribution of the said three hundred dictionaries in said act of March 21st, 1855, are hereby applied to this.

Distribution of same.

SEC. 2. Where there is more than one school taught in any one school district in this state, or where there is more than one school department in any school building, then, in such cases, such school or each department in a school, shall be entitled to one of said dictionaries.

Superintendent's report.

SEC. 3. It is hereby made the duty of said superintendent to report annually as a part of his annual report, the whole number of copies by him distributed,—to what counties distributed,—and the time of distribution.

SEC. 4. This act shall take effect from and after its passage and publication.

Approved October 13, 1856.

CHAPTER 136.

Published November 15.

An Act relating to the salaries of the officers therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The salaries of the governor's private secretary, the assistant secretary of state and assistant state treasurer are hereby severally fixed at the sum of twelve hundred dollars per annum. Salaries of certain officers increased.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved October 13, 1856.

CHAPTER 137.

Published November 3, 1856.

An Act to execute the trust created by an act of Congress, entitled "An Act granting Public Lands to the State of Wisconsin, to aid in the construction of Railroads, in said state," approved June 3d, 1856, by incorporating the Wisconsin and Superior Railroad Company, and granting a portion of said lands thereto.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Herman Haertel, Alfred Lamberson, Cyrus Hiller, Charles Kuehn, Bertine Pinckney, James H. Ged, Anson Ballard, James Duane Doty, George F. Wright, B. Frank Moore, Julius White, William Scott, Jon Bradley, Albert Winslow and Joseph Turner, and all other persons, if any, as shall associate with them to become stockhloders, as hereafter in this act provided, are hereby created, constituted, made, appointed and declared a body corporate and politic, by the name and style of the Wisconsin and Superior Railroad Company; and Corporators. Style.

said corporation, by and under its aforesaid corporate name and style, shall have perpetual succession, and shall have and enjoy all and singular, the rights, powers, authority, privileges, franchises and immunities, by and in this act expressly conferred, and all other such rights, powers, authority, privileges, franchises and immunities, as are necessary and proper to the full and complete possession, exercise and enjoyment of those hereby expressly conferred. Said company may, and it shall have power to purchase, hold and own wood land, for the purpose of obtaining wood to operate or fence its railroads; but such wood lands shall always be subject to assessments and taxation, and shall never be considered as a part of the property hereinafter exempt from taxation and assessment; said company may also, and it shall have power at pleasure to sell, lease and convey such wood land, or any portion of them. Said company shall also have power to purchase, take, hold, sell, lease and convey all such estates, real, personal or mixed, other than the aforementioned wood lands, as may be necessary or proper to have, hold, use or possess, for, in or about the construction or equipment, renewal, repair, maintaining or operating its railroads; said company may also take, hold, or occupy all such lands, as may be given or granted to it by this state or by the gorvernment of the United States, or both, for the purpose of aiding in the construction of any of its railroads. And after such last mentioned lands are so as above given or granted to said company, it may, subject to the terms, conditions, impositions, restrictions and limitations, contained in such gift or grant, sell and convey the same, and may otherwise do with said lands as is hereinafter provided. All other estates, property and effects which said company may purchase or acquire by gift or grant, other than that which is above in this section mentioned, shall always be subject to taxation and assessment, notwithstanding the exemptions hereinafter contained. Said company shall have power to make, have and use a common seal, and alter, break and renew the same at pleasure, and by and under its aforesaid corporate name and style, said company shall be capable of contracting and being contracted with, for and as to the purposes in this act contained, of sueing and being sued, of pleading and being impleaded, defending and being defended, answering and being answered unto, in law or in equity, in all courts and places whatsoever, as fully and

Corporate powers.

completely as natural persons, except that it shall never set up the plea of usury to any contract to which it shall be a party in any court whatever.

SEC. 2. The company, by this act created, is hereby further authorized and empowered to survey, locate, construct and complete, perpetually to have, use and enjoy, maintain and operate a railroad, with one or more tracks or lines, over the routes following; that is to say: Beginning at the city of Fond du Lac, which is situated on Lake Winnebago, in this state, and running from thence by way of the town or city of Oshkosh and townships number twenty-one, north of range number seventeen east, and east of the south-east corner of section number twenty, in said last named township, northerly to the state line on the St. Louis river, or to such other point on the state line within the meaning of the act of congress, entitled "an act granting public lands to the state of Wisconsin, to aid in the construction of railroads in said state," approved June 3d, 1856," as the said company shall determine. Further powers. Route.

SEC. 3. The company hereby created, shall have the the perpetual right, power and authority to transport, take and carry property and persons upon said roads by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, and to receive and store any property in any of its depots or other buildings, and to make, construct, maintain and use all such switches, turn-outs, side-tracks, and connecting tracks, as it shall think necessary, and also construct, erect, maintain and use all such depots, station-houses, warehouses, car-houses and shops, engine-houses and all other buildings, fixtures and things useful for the accommodation of said company and its roads, and those using the same; to purchase or manufacture and own rails, chairs, spikes, engines, cars, tenders, and all other things things necessary or useful for the construction or operation of a railroad, and to sell the same. And it shall also have the power and authority to operate its said roads or either of them, in connection with any and all other railroads, which may cross, come up to or connect with the said roads or either of them, upon such terms as shall be mutually agreed upon by and between the said companies: *Provided*, That the said company, in making any such contracts as last aforesaid, shall give no preference to one company over any other such company or companies last above mentioned: but all such companies shall be Transportation, &c. Proviso.

put upon the same equal terms, and whenever and so often as any such business connection contract shall be made or entered into, the same shall be in writing, duly signed and sealed with the seals of the companies parties thereto, in triplicate, and when so executed and sealed, one copy thereof shall be filed with the secretary of state, whose duty it shall be to mark thereon the time of its reception, and to carefully preserve and keep the same in his office open to the inspection of all persons. And the copy so filed with the secretary of state is hereby declared a public record. No such contract shall have any force or effect in law unless such copy is filed with the secretary of state as aforesaid. Either of the companies being a party to any such contract, may be compelled by a mandamus, to file with the secretary of state a triplicate copy thereof, as aforesaid.

May construct road over any highway, &c.

SEC. 4. The company hereby created shall also have the right, power and authority to construct its said roads upon and along, across, under or over any public highway, or along, across, under or over any public highway or any private way or road, street, plankroad or railroad, if the same shall be necessary, but the said company shall restore such highway, private-way, or road, street, plankroad or railroad, to its former state or condition, so as not to impair the usefulness of the same so far as the same can be done consistently with the rights and privileges hereby granted to the company hereby created. Said company shall have the further right, power and authority to erect, maintain and use all the necessary bridges for the use of its railroads, over any streams of water, or water course, at such point or points of crossing the same as they may locate the said railroads, with all necessary abutments, piers, or other structures or foundations.

May enter on any land for certain purposes.

SEC. 5. It shall be lawful for the company hereby created, and it shall have the right, power and authority, by its officers, engineers, agents, servants and workmen, to enter upon any land for the purpose of exploring, surveying, locating and determining the route of said railroads, and when the said routes or any portion thereof shall be determined by resolution adopted by its board of directors, it shall be lawful for the last aforesaid company, and it shall have the right, power and authority, by its officers, engineers, agents, contractors, surveyors, servants and workmen, at any time to enter upon, take, possess, occupy and use any land along, and including the line of said

route, not exceeding two hundred feet in width. It shall also be lawful for said company, and it shall have the right, power and authority at any time to enter upon, take, possess and occupy and use any other lands beyond said limits of two hundred feet, which the directors shall, by resolution adopted by them, (a copy of which shall be recorded, at the expense of said company, in the office of the register of deeds in the county in which such lands are located,) declare to be necessary for the use of said company for the purposes of erecting depot buildings, station houses, machine shops, freight houses, ware houses, engine houses, or buildings or fixtures of any kind, or ground about the same, for the convenient operation of the road, or for making drains or giving proper direction to water courses, or of directing or changing the channel of water courses, or for the purpose of removing such substances and things as may endanger, obstruct or interfere with the free use of said road, or for the purpose of depositing earth, gravel or stone, or for the purpose of obtaining earth, gravel, stone, timber, or other material for embankments, structures or superstructures, necessary to the construction, repair or renewal of said roads. Said company shall, however, at such time and in such manner as is provided by and in this chapter and act, be liable to pay the full value of all earth, gravel, stone, timber and land which may be so as aforesaid taken, possessed, occupied and used for any of the purposes aforesaid, which is the private property of either persons or corporations, which value, (unless the owner thereof and said company shall agree as to the same), shall be ascertained and determined in the manner hereinafter provided; and whenever the same shall have been paid, tendered or deposited as provided in this act, an estate in and to all and every such lands in fee simple, absolute, forever, shall be and become vested in said company by virtue thereof, and of the provisions of this act, and by the same means a complete title shall vest in said company in and to all such earth, gravel, stone and timber; and whenever said company shall deem that the same, or any part or portion of the aforenamed property, shall no longer be necessary for the purposes for which the same were taken, it is hereby authorized and empowered, by deed or other proper instrument in writing, to lease or sell the same, or any part thereof.

To compensate for said land.

Transportation.

SEC. 6. On the completion of said road, or any part thereof, it shall be lawful for said company, and it is hereby authorized and empowered to demand and receive such sum or sums of money for the transportation of persons and of property, and for the storage of property, as it shall from time to time deem reasonable.

Same.

SEC. 7. Said company hereby created, shall also have full power and authority to transport persons and property in boats, vessels, barges, and other water crafts, on any of the navigable waters which its said railroad or roads may run to or connect with; and to receive and collect reasonable compensation for the same, and for that purpose may build or purchase, own and use such boats, vessels, barges and other water crafts, as it may require.

Construction of road and when to be completed.

SEC. 8. The company hereby created, shall commence the construction of its railroad, at the aforesaid city of Fond du Lac, and shall complete the same to township number twenty-one, north of range seventeen east, before it shall construct and operate such railroad from said township notherly. And so soon as said portion of the road herein last referred to shall be completed, the same shall henceforth, from the time of such completion, be operated by the company hereby created. And the said company shall fully complete and equip the entire length of said railroad, on or before the 3d day of June, 1866.

Shall be entitled to land grant.

SEC. 9. The company hereby created, shall be entitled to, and invested with the title to the lands, and all and singular the rights, privileges, and immunites granted or conferred, or intended to be granted or conferred by the act of congress, approved June 3d, A. D. 1856, entitled "an act granting public lands to the State of Wisconsin, to aid in the construction of railroads in said state," to the extent of the whole of the lands granted by said act of congress, for the purpose of aiding in the construction of a railroad from Fond du Lac, on Lake Winnebago, northerly to the state line. Said company shall also be subject to all the restrictions, impositions, duties and obligations contained in the said act of congress, so far as the same are appicable to the company hereby created, or to the road hereby authorized to be constructed: *Provided*, That the title to the lands in this section, mentioned and contemplated, shall not vest in said company sooner or faster than the said lands might be sold, as provided and declared in the aforesaid act of congress; but so soon and so fast the title to said lands shall vest in said company,

Proviso.

and the said lands are hereby granted in consideration of the company so hereby created, complying with the terms of the grant hereby made, and of the aforesaid act of congress.

Governor to certify to completion of every 20 miles of road.

SEC. 10. The governor of this state on the request of the president of the company hereby created shall, without delay, from time to time, upon the completion of any and every twenty continuous miles of the railroad or railroads, in this act first authorized to be constructed, certify the fact of such completion to the secretary of the interior, in accordance with the provisions of the aforesaid act of congress.

Governor to appoint agents to select lands in lieu of those sold by United States.

SEC. 11. If when the line or lines of road authorized to be constructed by and under the provisions of this act, is or are located and definitely fixed by resolution, adopted by the board of directors of the company hereby created, it shall appear that the United States have sold the whole, or any, or what part of any odd numbered section, granted by the aforesaid act of congress, for the purpose of aiding in the construction a railroad from Fond du Lac, on Lake Winnebago, northerly to the state line, or that a right of pre emption has attached to the same, as is mentioned or contemplated by the aforesaid act of congress, then the governor aforesaid shall, without delay, appoint such persons agents, as to him shall seem proper, or as shall, by said company, by resolution adopted by its board of directors, be designated to him, and whose duty it shall be to select other lands in lieu of those so sold by the United States, or to which the right of pre emption was attached according to the true intent and meaning of aforesaid act of congress; and such agents shall, at the expense of the company hereby created, select such other lands according to their appointment, and as is provided by the first section of the aforesaid act of congress. And said agents shall certify their selections to the governor, from time to time, and with all convenient speed; and the governor shall thereupon, without delay, make known to the secretary of the interior the selections then made; and so far as the selections shall be approved by the secretary of the interior, said selections shall be made, and like proceeding had from time to time, as is in this section provided, until the whole amount of land is selected and approved, as is mentioned or contemplated by the first section of the aforesaid act of congress.

Shall be capable of taking and holding land grant by United States, &c.

SEC. 12. The company hereby created shall be capable in law of taking and holding any land granted by the government of the United States or of this state, to aid in the construction of railroads, which shall be conveyed to said company by this act or deed, or by operation of law; and may also mortgage or pledge, or otherwise dispose of all their right, title, interest, claim or demand, of, in or to any lands, or interest in lands, granted to said company, by this act, and in any other estate, real, personal, or mixed, of which they may be seized at the time of execution of such mortgage, or which they may acquire subsequent thereto, in such manner and on such terms as the directors may think proper. And within five years after the title of such land shall have become vested in said railroad company, so much of them as may remain unsold shall be offered for sale in limited quantities at fair prices, preference being given to actual settlers.

Management.

SEC. 13. All the affairs and business of the company hereby created, shall be conducted, managed and carried on by a board of fifteen directors, who shall be stockholders of said company, and the board of directors is hereby invested with power and authority to conduct, manage, and carry on the affairs and business of said company, and also with such power and authority as will carry or promote the carrying into full and complete effect, the meaning and intent of this act. The directors, after the first board shall be chosen by the stockholders of the company, by ballot, as follows, viz.: five directors shall be chosen at the annual meeting of the stockholders, which shall be held on the first Wednesday in the month of December, in the year of our Lord one thousand eight hundred and fifty seven, and thereafter annually, on the first Wednesday in the month of December of each year five directors shall be chosen. The annual meetings of the stockholders for the election of directors, shall be held at the city of Oshkosh, in this state, unless otherwise established by the board of directors. At all meetings of the stockholders, the votes of stockholders may be cast in person or by proxy, duly authorized, and every stockholder shall be entitled to one vote for each and every share of stock held by him, and in all elections for directors, those stockholders, equal to the number of directors to be elected, having the greatest number of votes, shall be deemed and declared duly elected directors. The elections shall be conducted in such manner as shall be pre-

Election of directors, &c.

scribed by the by-laws or by resolution of the company. If for any cause, an election of directors should not be had at the time when, by the provisions of this act, it should be had, the same may be held at such other time as shall be fixed by the by-laws of the company, and until such election be had, the directors of the preceding year shall continue to act, and the corporation shall not forfeit or lose any of its privileges, franchises or immunities, by reason of the irregularity or want of any such election.

Quorum and meetings.

SEC. 14. A majority of the board of directors shall constitute a quorum for the transaction of any business except as is in this act otherwise provided; they shall meet at such times and places, and be convened in such manner, as they shall prescribe in the by-laws; they may fill any vacancy which may occur in their own board; they shall appoint one of their own number to be president, and one vice president. The term of service of the president and vice president shall be one year, and until a new election of directors. The president when present shall preside at all meetings of the directors and stockholders, and in case of his absence the vice president shall discharge the duties of president, and in case of the absence of the president and vice president, the directors present may appoint a president pro tem., who shall discharge the duties of president during the absence of the president and vice president. The board of directors may appoint a secretary, treasurer, chief engineer, superintendent, attorneys, and such other officers and agents as they may find necessary, fix their compensation and duties, and demand adequate security for the discharge of their respective duties and trusts, and remove the same at pleasure. The directors shall have power to determine the amount of the first and all other installments, by them ordered to be paid, or assessed, from time to time, on stock subscriptions, and to sell and dispose of the unsubscribed stock of said company in such manner, and on such terms, as will best secure the speedy completion of the railroad hereby authorized to be constructed. The directors shall have power to require the payment of stock by instalments, from time to time, in such amounts as may be necessary for the operations of the company; and they shall have power, from time to time, at any time within twenty-four months after the organization of the said company hereby created, to require payment of the instalments of the

Officers.

Instalments, how paid.

capital stock of the said company from the stockholders, not exceeding in all twenty-five per centum upon each share of stock subscribed for and held by such stockholders, and not more than six and a quarter per cent. in each six months during any one of the first two years; and upon default in the payment of any such instalment or instalments, upon any share or shares of such stock, for ninety days after personal notice shall have been given by the board of directors to the stockholders, the said board of directors shall have power to declare such share or shares on which default may be made, forfeited to the use of the said corporation, and the stockholders who shall have held the same shall thereupon absolutely forfeit the same and all sums paid thereon to the use of the said corporation; and after the expiration of the said twenty-four months last above mentioned, the board of directors shall have power, from time to time, to require payment of instalments of the capital stock of the said corporation, at their discretion, until the stock shall have been fully paid; and upon default in the payment of any such instalment upon any share or shares of the said capital stock, whether such instalment be required after or before the expiration of the said twenty-four months last mentioned, the board of directors shall have power to enforce the collection or payment of such instalment or instalments against the stockholder or stockholders making such default, or owning such stock, and shall have the right to apply toward the payment of such instalment or instalments, any dividend or other moneys accruing to such stockholder or stockholders, in the hands of the said corporation; *Provided, however*, That no person shall be personally liable for the payment of any instalment or instalments required on any share or shares of such capital stock, which such person may have held, and which shall be required as aforesaid by the said board of directors after such person shall have transferred such share or shares to any other person or persons, and no stockholder shall be entitled to vote at any election for directors of the said corporation upon any share of such capital stock upon which any instalment shall remain unpaid; nor shall any share of such capital stock be declared forfeited for a default in the payment of any instalment required after the expiration of the said twenty-four months, and after the payment of the said twenty-five per centum on each share. The directors shall have power to establish an-

Forfeiture.

Proviso.

regulate tolls and charges not inconsistent with the provisions of this act, for the transportation of freight and passengers, and for the storage of freight, and to collect all such tolls and charges; and to make such covenants and agreements with any person or persons, co-partnership or corporation whatever, as the construction and management of the road and convenience and interests of the said company may require. The directors shall have power and authority to make and establish such by-laws as they may think proper, respecting the property, concerns, affairs, business, stock and government of the corporation created by this act, and the powers and duties of its officers and committees; and its officers and committees may exercise all the powers which may be prescribed by such by-laws; and the directors may make such other rules, regulations and orders as they may think proper; but no such by-laws, rules, regulations or orders shall be inconsistent with this act, or with the constitution or laws of this state; and the directors shall have power in general to superintend and direct all the operations, receipts, disbursements and all other affairs of said company.

To make by-laws.

SEC. 15. The first board of directors shall be the following named persons, that is to say: Herman Haertel, Alfred Lamberson, Cyrus P. Hiller, Charles Kuehn, Anson Ballard, James Duane Doty, George F. Wright, Bertine Pinckney, James H. Weed, B. Frank Moore, Julius White, William Scott, John Bradley, Albert Winslow and Joseph Turner. At the first meeting of the board of directors aforesaid, they shall first choose the president of said company and a secretary, after which they shall ballot for their respective terms of office as directors, as follows: the president shall cause to be prepared fifteen pieces of paper, of as nearly the same size as may be, upon five of which shall be written "*Term of one year;*" and upon five more shall be written "*Term of two years;*" and upon the remaining five shall be written "*Term of three years;*" the said pieces of paper shall be then folded as nearly alike as conveniently can be done; after which the same shall be put into a box and well shaken. Each of the said directors, or in case of the absence of any director, the secretary in his name shall then draw from the said box one of the said pieces of paper, and the secretary shall make a record of the said drawing, noting the term by each director drawn, and those who shall draw the ballots

First directors.

Terms of office

having thereon the words "*Term of one year*," shall hold their offices as directors until the first Wednesday in the month of December, in the year of our Lord one thousand eight hundred and fifty-seven, and until their successors are duly elected. Those who shall draw the ballot having thereon the words "*Term of two years*," shall hold their offices as directors until the first Wednesday in the month of December, in the year next succeeding the year last aforesaid. Those who shall draw the ballots having thereon the words "*Term of three years*," shall hold their offices as directors until the first Wednesday in the month of December, in the year of our Lord one thousand eight hundred and fifty-nine, and until their successors are duly elected.

Special meetings.

SEC. 16. Special meetings of the stockholders may be called by order of the board of directors, or by stockholders holding one fourth of the capital stock, on twenty days notice given to the stockholders, specifying the object of the meeting.

May borrow money.

SEC. 17. The company hereby created is hereby authorized and fully empowered, in its corporate capacity, to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any party of whom such money may be obtained; and to make, execute and deliver, in or out of this state, all necessary writings, notes, bills, bonds, mortgages, and all other papers or securities, in amount or kind as may be deemed expedient by said corporation, in consideration of any such loan, or in discharge of any liabilities they may incur, in the construction, repair, equipment, or operating of said road, or in any of the transactions of the said company, authorized by this act; and the said company is hereby authorized in its corporate capacity, to make, execute, issue and deliver its bonds or obligations in such an amount as the directors shall think best for the interests of said company, and the directors of the said company are hereby authorized and empowered to prescribe the sum or sums for which each of said bonds shall be issued, and the time or times, or place or places, when and where the principal and interest of the same shall be payable, and whether payable to order or to bearer, or how otherwise negotiable, the rate of interest which said bonds shall bear, and the manner and form in which the same and the interest

coupons annexed to them shall be executed, and to secure the payment of any or all of said bonds, the said company is hereby authorized and empowered, in its corporate capacity, to make, execute and deliver a mortgage or mortgages, or deed or deeds of trust, upon the whole or any part of its railroad, constructed or authorized to be constructed, and upon the lands in this act granted to said corporation, and upon any other or all of its estate, real, personal or mixed, in possession or expectancy, and the said company is also hereby authorized and empowered, in and by such mortgage or deed of trust, to confer upon the trustee or mortgagee, full and ample powers to enter into and upon, and to take possession of, have, use, and enjoy, or to sell and dispose of the whole or any part of said railroad or estate, real, personal, or mixed, together with the functions apertaining to such railroad, and all corporate and other franchises, rights and privileges of the said railroad company, or to take up or remove any of the fixtures connected with said railroad, and the directors of said company are authorized and empowered to prescribe all matters relating to the form and terms of any such mortgage or deed of trust, and of its execution and delivery; and they are authorized and empowered to provide for the annual payment to such trustee or receiver as they shall appoint, a certain sum to create a sinking fund, with which to pay of and discharge, at or before maturity, any or all of the bonds by them authorized to be issued, and also to provide the manner in which such trustee or receiver shall pay out or dispose of said sinking fund, and to authorize him to designate by lot, or in any other suitable manner, the bond or bonds to the payment of which said sinking fund, or any part of it, shall be applied; and the said company, is hereby fully authorized and empowered, by its agents, or brokers, or otherwise, either in or out of this state, to sell, loan, pledge, hypothecate, or otherwise to dispose of any or all of the aforesaid bonds, hereby authorized to be issued, at par, or at any price greater or less than par, and for such sum or sums as they shall think proper; and the said company and its directors, officers and agents, are hereby authorized and empowered to have, exercise and enjoy all the rights, privileges and powers herein conferred upon them respectively.

To execute bonds, &c.

Sinking fund.

SEC. 18. The company hereby created shall, for all and every the lands and property which it shall appropriate, take, possess, occupy or use, pay the full and actual cash

Shall pay for lands, &c. taken.

value thereof at the time it shall appropriate, take, occupy, possess or use such lands and property, and such value shall be ascertained, fixed or determined by mutual agreement between the said company and the owners of such land and property respectively; or by and through the medium and appraisement and determination or award of commissioners appointed as hereinafter provided. And the locating of the line of the railroad of said company, or such part thereof as may be, in parcels, from time to time located by resolution adopted by the board of directors of said company, is hereby declared to be an appropriation, occupancy, taking, possessing or using said lands and property by said company, as authorized in this act, along, adjacent, opposite and including the line, or so much of the line of said railroad, so as aforesaid located or adopted for the purpose of fixing a time at which the value of said lands and the property shall be fixed, estimated, determined and paid by said company.

Appraising commissioners appointment and duty.

SEC. 19. It shall be lawful for, and it is hereby made the duty of the judges of the circuit court respectively, through which the line of the railroad or roads of the company hereby created shall be located, each of said judges in and for his own circuit, on the application of said company, and at its cost and charge, to appoint as appraising commissioners under this act, three disinterested persons of sound mind, known integrity and approved judgment, and actual residents of the circuit of such judge. After such commissioners shall have been appointed, as aforesaid, others may and shall, from time to time, be appointed by the same officers who made the first appointment, as need or occasion may require, in either of the following cases: 1st, when any one of the persons theretofore appointed shall cease to be a resident of the circuit for which he was appointed: 2d, when such person shall decline to act or to further act as such commissioner: 3d, when such person shall neglect or fail to act, or to further act, as such commissioner, for the space of eight days after being requested so to act by the chief engineer or attorney of said company: 4th, when such person shall resign his said appointment: 5th, when such person shall die or be imprisoned, become insane, or shall, from other cause, become incapacitated, or unable to in proper manner discharge the duties imposed by this act upon such appointee. Before any such first appointment, as aforesaid, shall be made, said company shall give notice to a-

To fill vacancy

whom it shall or may concern, that an application by said company will be made at a time, place, and before a circuit judge, in such notice named, for the appointment of three appraising commissioners, as provided in this act. Such notice shall be published for three successive weeks prior to the time set for hearing such application, in one or more newspapers printed in each, or so many of the counties within the circuit for which the appointment is to be made, if there be in such circuit any such newspaper printed; and if there be none, then, and in every such case, such notice shall be so as aforesaid published in two or more newspapers printed at the capital of the state; and the affidavit of the publisher or printer of each such newspaper of the fact of such publication shall be sufficient legal evidence of such publication.

Notice to parties of application for appointment.

Publication of notice, &c.

The judge named in the notice may continue or adjourn the hearing of such application for such length of time as he shall think fit, not exceeding in the whole thirty days. Each person appointed, as in this section provided, before entering upon the discharge of the duties devolving upon him, shall make an oath or affirmation in writing, in substance that he will, in all respects to the best of his ability, execute the trust reposed in him, and discharge the duty imposed upon him, as in this act contained. After said commissioners are sworn, or affirmed, as aforesaid, it shall be and is hereby made their duty, upon the application of said company, or of any land owner in this section mentioned, to view and examine all and every the lands and property which, by the provisions of this act, said company is authorized and empowered to appropriate, take, and occupy, possess or use, by making payment therefor. And after such view and examination, said commissioners, or a majority of them, shall determine the value of all and every such lands and property, and in such determination or determinations said commissioners shall designate the sum to be paid by said company to the owners of such lands and property respectively, in accordance with the provisions in this act contained: and when so done, the same shall be by said commissioners, or a majority of them, reported in writing, under their hands, to the circuit court of the county where such lands and property are situate. Such reports shall, from time to time, be made and deposited with the clerk of the circuit court of the proper county, who shall file and carefully preserve the same in his office. Such reports shall be so

Oath of commissioners.

To view land and make report.

any such lands or property as is before in this section mentioned or referred to, whether by virtue of any tax sales, tax title, incumbrances or lean, legal, equitable or otherwise, is hereby declared to be an owner, or part owner of such lands and property within the meaning of the foregoing provisions of this section. In all cases when the circuit courts of this state shall have rendered judgment against said company, as in this section provided, said company may pay to the clerk of such court, the amount of each such judgment, and such clerk shall, in writing, receipt to said company therefor, and such payment is hereby declared to be a payment unto such court; and the same shall be as good and effectual a payment as though the money were paid personally to the person or party entitled thereto.

Judgment, &c.

Capital stock.

SEC. 20. The capital stock of the company hereby created shall in the first instance be one and a half millions of dollars; which capital stock may be increased to a sum not exceeding six millions of dollars.

Shares.

SEC. 21. The capital stock of the company hereby created, shall be, and hereby is divided into shares of one hundred dollars each.

May connect with other railroads.

SEC. 22. The said company hereby created shall have full power and authority to connect their railroad with any other railroads or branch railroads in the state of Michigan, or to operate the same in connection with such other railroads or branch railroads, or to consolidate the capital stock of the company hereby created, with the capital stock of any railroad company created under or by authority of the laws of the state of Michigan, upon such terms, and under such regulations, as may be jointly agreed upon by the directors of said railroad companies.

Lands exempt from tax and assessments.

SEC. 23. The lands granted or intended to be granted by the provisions of this act to the company hereby created, shall be, and hereby are exempt from all assessments and from all taxation, whatsoever, for the term of ten years from the taking effect of this act, unless said company shall sooner sell or convey the same. And so much of said lands as shall be sold or conveyed by said company within said ten years, shall be subject to assessment and taxation from time to time, as the same shall be as aforesaid sold or conveyed. And in consideration of the annual payment of a per centum (as provided in this section) by said company to this state, upon the gross earnings

said road to be built by said company as aforesaid, the railroad, its appurtenances and appendages, and all the other property, estate and effects of said company, which by the provisions in this act contained, said company is authorized to acquire, purchase, hold, possess, enjoy or use, for, in or about the construction, equipment, renewal, repair, maintaining or operating its railroad, as also the stock and capital of said company, shall be and hereby are forever exempt from all taxation and from all assessments. And in consideration of the grants made to, and the privileges and franchises conferred upon the company hereby created, and of the exemption contained in this section, the said company shall, on or before the first day of March in each year, pay into the treasury of this state, three per centum on the gross earnings of the railroad so constructed for the year ending on the last day of the preceding December, the first payment of such per centage to commence or be made on the first day of March next, after fifty miles of the railroad of said company shall be completed, and the payment of such per centum annually as aforesaid, shall be and is in full of all taxation and assessments whatsoever, as to the property in this section above exempt. And for the purpose of ascertaining the gross earnings aforesaid, an accurate account of such earnings shall be kept by said company, an abstract thereof shall be furnished by said company to the treasurer of this state on or before the first day of February in each year, the truth of which abstract shall be verified by the affidavits of the treasurer and secretary of said company. And for the purpose of ascertaining the truth of such affidavits and the correctness of such abstracts, full power is hereby vested in the governor of this state, or any other person appointed, as by law prescribed, to examine the books and papers of said company, and to examine under oath the officers, agents and employees of said company, and other persons. And if any person so examined by the governor, or other authorized person, shall knowingly and wilfully swear falsely concerning the matter aforesaid, every such person is hereby declared to have committed perjury. And for securing to this state the payment of the aforesaid per centum, it is hereby declared that the state shall have a lien upon the railroad of said company, and upon all the other property, estate and effects of said company, whether real, personal or mixed. And the lien hereby secured to the state shall take and

Payment to state of 3 per cent in lieu of taxes, &c.

Abstract of earnings to be furnished state treasurer, &c.

have precedence of all demands, decrees and judgments against said company.

First board of directors and their powers.

SEC. 24. The first board of directors of the company hereby created is hereby authorized and empowered, and shall open books to, and shall receive subscriptions to the capital stock of said company to the extent of one and a half millions of dollars and no more, commencing on the sixth day of November, in this present year. And the same shall be done at the city of Oshkosh, in some convenient and public room, which shall be accessible to all persons, from day to day, between the hours of 9 o'clock in the forenoon and 4 o'clock in the afternoon of each day, that may, as aforesaid, be occupied in making subscriptions. Such subscription books shall be kept open between the hours aforesaid, for four days, unless the said one and a half millions of dollars capital stock shall all be sooner subscribed, and at the end of said four days the said subscription books shall be closed, or, should the said one and a half millions of dollars of stock be sooner subscribed, and five per cent thereon in money actually paid in, then in that case the books shall be closed when these things have transpired. After said books are closed, they shall remain closed for thirty days.

Payment of 5 per cent at time of subscribing.

SEC. 25. All persons who shall become subscribers to the capital stock of said company, shall, at the time of subscription, pay in money five per cent., or five dollars upon each share subscribed; and all and every the five per centum aforesaid, when paid in, shall remain in the treasury of said company until paid out for the use or benefit of said company, in the due administration of its affairs, in the location, construction, equipment or operating its railroad in this act authorized to be constructed. And no person shall be permitted to subscribe more than two hundred and fifty shares within the first three and a half of the four days in the next preceding section mentioned. And in case there should be present within the said three and a half days, persons desirous of subscribing to the capital stock of said company within the aforesaid limits of two hundred and fifty shares to each person, and to sums amounting in the aggregate to more than the said one and a half millions of dollars, then and in that case, the said board of directors shall apportion said stock to the amount of one and a half million dollars, among said subscribers, *pro rata*, and according to the amounts subscribed by them respectively. All the stock subscriptions,

Capital stock, when and by whom to be subscribed.

ithin the three first days after the opening of the books, is in the next preceding section, shall be subscribed by ich persons as were residents of this state, on the first ay of June last, and after which three days, any person ay subscribe to said stock whether resident of this state not. Subscriptions to said one and a half millions of llars of stock may be made in person or by proxy, but person shall have power, as proxy, to subscribe for re than two persons; and the authority of every per- to subscribe as the proxy of another, shall be con- ued in an instrument in writing, signed by the princi- ; and such instruments shall be preserved by the se- tary of said company, as a part of its papers.

Directors, how many may act, &c.

EC. 26. In all matters pertaining to the subscription he aforesaid one and a half millions of stock, no less nber than twelve directors shall have power to do any except adjourn, and a majority of those present must e to make valid any act done by them as such direct- And as to taking the said first one and a half mil- s of dollars of stock, the said first board of directors make by-laws, provided that at least eight of the di- ors aforesaid, over their signatures, approve of the ; and that they be not inconsistent with, or repug- to the provisions of this act. Such special by-laws be preserved by the secretary, and the same shall remain a part of the records of said company.

To prevent fraudulent issue of stock, &c.

. 27. With a view of, and for the preventing the fran- it issue of stock, or stock certificates, it is hereby de- l that no certificates of stock shall ever be made out ued to any person who has not subscribed to the l stock of said company, as is in this act provided, ously to any such issue, and then for the amount ly subscribed by such person: nor shall any cert fi- f stock be delivered to any person, until at least of the directors of said company shall have found e same is for the true amount subscribed by the named in the certificate, or his assignor, and that ne is numbered, and is of the same date and for the mount or number of shares as appears in a book of red stock; and which book shall be kept by said ny, and such registry, said eight directors, at least ver their signatures, in said book, certify to be cor- All certificates of stock, made, issued or delivered, t the provisions of this section being complied all be, and are hereby declared void. The direct-

ors of said first board of directors shall each have the same right to subscribe to the capital stock of the said company hereby created, as though he was not such director.

Appeals and change of venue.

SEC. 28. In all cases of appeal from the determination of the appraising commissioners, as provided in this act, a change of venue shall be allowed and rendered by the court to which such appeals shall be made, or by the judge thereof, in case any credible person shall make and file with the clerk of such court, an affidavit, in which the affiant states that he knows, or verily believes, that the appellant or appellee cannot, before the judge of such court, or before a jury of the county where such appeal shall be pending, obtain a fair trial. Such change of venue shall be to some county in this state where the cause stated in the affidavit for such change does not exist, and which will best accommodate the parties litigant and their witnesses. On the trial or hearing of cases appealed from the determination of the appraising commissioners, as in this act provided, exceptions may be taken to the decision of the court or judge, and like proceedings had to and upon final judgment rendered in such cases as in ordinary civil cases wherein an issue of fact is joined. In case the company hereby created shall locate the line of its railroad in this act authorized to be constructed, so near the whole or a considerable part of the line of railroad of any other railroad company now organized, and which line or part of line is now, by such other company, surveyed and definitely located, but in no part constructed, as to destroy or materially affect or injure the business of such other company, over or upon such line or part of line thus encroached upon by the company hereby created, the said company shall pay to such other company the sum that is really worth to make such survey and location, of the whole or part of line of road as is above in this section mentioned, and also the sum that is really worth to make such proper maps, profiles, drawings, diagrams and estimates, as such other company now hath, as to or concerning such whole or part of line as is above in this section mentioned; and in case the company hereby created and such other company shall not be able to agree as to the sum of money which ought to be paid according to the provisions of this section, then and in every such case, the said companies shall each choose an experienced engineer, and the two thus selected, if the

In case of locating road near any other road to pay certain damages.

can, shall choose a third person, and if they cannot, then such third person shall be selected or appointed by the governor; all of whom shall be in no way interested in either company. And they, or a majority of them, after an examination of the matters confided to them, under and by virtue of this section, and a full hearing of the said companies and their testimony, (they having previously given at least thirty days notice of the time and place of hearing to each of said companies,) shall determine the sum to be paid in accordance with the provisions of this section. Such determination shall be reduced to writing in the form of an award, signed in triplicate, by said engineers, or a major part of them; and one of such copies shall be filed with the Secretary of State, and the other two shall be delivered to said companies, one to each, by some of said engineers. And such determination, by said engineers as aforesaid, shall be final and conclusive upon the said companies, unless the company dissatisfied therewith shall appeal therefrom to the circuit court of some county in which some portion of such whole or part of line of road as aforesaid, is or may be, within thirty days after the delivering to such dissatisfied company of a copy of such determination as aforesaid; and such appeals may be taken, and if taken, the like proceedings shall be had, so far as is possible and consistent with the provisions of this section, and as is in this act provided, for and upon appeals in other cases.

Persons to determine and make award.

SEC. 29. All property which the company hereby created, is authorized to appropriate, take, possess, hold or use, by making payment therefor, as is in this act provided, is hereby declared to be taken for public use, so soon as the company shall so appropriate, take, possess, hold or use the same.

Property deemed taken for public use.

SEC. 30. The company hereby created shall fence its railroads in parcels, as it shall from time to time operate the same, within one year from the time it shall commence the operating any and every such parcel, until the whole of said railroads are in a good, proper, substantial and workmanlike manner, fenced throughout the entire extent of the lines thereof.

To fence road.

SEC. 31. Notwithstanding the use of language in a general or unrestricted sense in this act, it is hereby expressly declared, that the proceeds or avails of the lands granted by the aforesaid act of congress, to this state, and by this state, in and by this act, granted to the company hereby

Proceeds of lands, how disposed of.

created, shall be exclusively appropriated to the construction of the railroad in this act authorized to be constructed.

Shall transport U. S. troops, mails, &c. free.

SEC. 32. The railroad constructed by the application of funds derived from the lands in this act granted, shall be and remain public highways for the use of the government of the United States, free from any toll or other charge upon the transportation of property or troops of the United States, and the United States mail shall be transported over the said road or roads, under the direction of the post office department as provided in said act of congress.

Objects cannot be attained under general laws.

SEC. 33. It is hereby declared that in the judgment of the legislature of this state, the objects of the corporation hereby created cannot be attained under general laws.

Public act.

SEC. 34. This act is hereby declared to be a public act, and the same immediately after the passage thereof shall be printed by the state printer, and thus published shall take effect and be in full force.

Approved Oct. 11th, 1856.

CHAPTER 138.

Published November 15.

An Act to appropriate the sum of money therein named to the Superintendent of Public Instruction.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation to superintendent public instruction for clerk hire.

SECTION 1. There is hereby appropriated out of [illegible] moneys in the state treasury not otherwise appropriated the sum of six hundred dollars annually to the superintendent of public instruction for the purpose of defraying the expenses of clerk hire in the office of said superintendent of public instruction; said sum to be drawn quarterly by said superintendent, and to be disbursed by him for the purpose herein named; *Provided*, That said sum of six hundred dollars shall be in full for the annual payment of all clerk hire of said department.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved October 13, 1856.

CHAPTER 139.

Published November 3.

An Act supplementary to an act entitled an act to execute the trust created by an act of congress entitled "an act granting public lands to the State of Wisconsin to aid in the construction of railroads in said state," approved June 3d, 1856, by incorporating the Wisconsin and Superior railroad company, and granting a portion of said lands thereto.

The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

SECTION 1. The said Wisconsin and Superior railroad company are hereby required to commence the construction of their railroad at the city of Fond du Lac, on or before the first day of January next, and complete the same to the city of Oshkosh on or before the first day of August, A. D. 1858. Supplementary to certain act.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved October 13, 1856.

CHAPTER 140.

Published November 6.

An Act amendatory of and supplementary to an act entitled an act to execute the trust created by an act of Congress, entitled an act granting public lands to the State of Wisconsin, to aid in the construction of railroads in said state, approved June 3d, 1856, by incorporating the Wisconsin and Superior railroad company, and granting a portion of said lands thereto, which said bill, thus amended, passed both branches of the legislature, October 9th, 1856.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifteen of an act entitled an act to execute the trust created by an act of congress, entitled an act granting public lands to the state of Wisconsin to aid in the construction of railroads in said state, approved Amendment to land grant act.

June 3d, 1856, by incorporating the Wisconsin and Superior railroad company, and granting a portion of said lands thereto, is hereby amended, so that section fifteen of said act shall read as follows:

First directors

The first board of directors shall be the following named persons, that is to say, Herman Haertel, Albert Lamberson, Cyrus P. Hiller, Charles Kuehn, Anson Ballard, James Duane Doty, George F. Wright, Bertine Pinckney, James H. Weed, B. Frank Moore, Julius White, William Scott, John Bradley, Albert Winslow, Joseph Turner, together with two persons to be appointed by the governor of said state of Wisconsin, and said directors thus appointed, shall have the same powers and shall hold their offices for the same length of time in every respect as though they were especially named herein; and the governor aforesaid shall not have the power or authority of removing the directors so appointed by him.

To chose a president.

At the first meeting of the board of directors aforesaid, they shall first choose the president of said company, and a secretary, after which they shall ballot for their respective terms of office as directors, as follows: The president shall cause to be prepared seventeen pieces of paper, of as nearly the same size as may be, upon five of which shall be written "term of one year," and upon six more shall be written "term of two years," and upon the remaining six shall be written "term of three years," the said pieces of paper shall be then folded as nearly alike as conveniently can be done, after which the same shall be put into a box and well shaken. Each of the said directors shall then draw from the said box one of the said pieces of paper, and the secretary shall make a record of the said drawing, noting the term by each director drawn, and those who shall draw the ballots having thereon the words "term of one year," shall hold their office as directors until the first Wednesday in the month of December, in the year one thousand eight hundred and fifty seven, and until their successors are duly elected. Those who shall draw the ballots having thereon the words "term of two years," shall hold their offices as directors until the first Wednesday in the month of December, in the year next succeeding the year last aforesaid. Those who shall draw the ballots having thereon the words "term of three years," shall hold their offices as directors until the first Wednesday in the month of December, in the year of our

Classification of office of directors.

Lord, one thousand eight hundred and fifty-nine, and until their successors are duly elected.

SEC. 2. This act shall take effect and be in force from and after its passage, and the same shall be published immediately by the state printer.

Approved Oct. 13th, 1856.

CHAPTER 141.

Published November 15.

An Act to authorize Secretary of State to audit certain accounts of Registers' of Deeds and Witnesses.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The secretary of state is hereby authorized o audit the accounts of the registers' of deeds of the several counties in this state, from which abstracts of the ate mortgages were received by, and for the use of the vestigating committee, at the several sums specified in e report of the secretary of the said committee, and also e accounts of witnesses which were subpœnaed and amined before said committee, according to the time d mileage specified in the said report, at the rate of ten nts per mile and two dollars and fifty cents for each y's attendance as therein specified.

Secretary of state to audit certain accounts.

SEC. 2. There is hereby appropriated out of any money the state treasury not otherwise appropriated, a suffi nt sum for the payment of said accounts as audited by secretary of state.

SEC. 3. This act shall take effect and be in force from l after its passage.

Approved October 13, 1856.

CHAPTER 142.

Published November 19.

An Act to authorize the Secretary of State to audit certain accounts for postage of the Historical Society, and to authorize the Librarian to deliver to said society certain books.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Secretary of state to audit postage of Historical Society.

SECTION 1. The postage of the state historical society for its correspondence, and in transmitting its published reports to donors and public libraries, and in effecting its literary exchanges, shall be audited by the secretary of state, and paid the same as the postages of the state departments.

Entitled to duplicate copies of works in State Library.

SEC. 2. All duplicates of historical and miscellaneous works now or hereafter in the state library, shall be transferred to the state historical society.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved October 13, 1856.

CHAPTER 143.

Published November 14.

Repealed S. 57 p. 8.

An Act to amend chapter 24 of the Revised Statutes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

To allow schools to borrow money on credit of towns from University fund.

SECTION 1. Any union school, academy, college, university or other institution of learning, now or hereafter to be organized, or incorporated within the limits of this state, may borrow money on the credit of the town, village or city in which the same is located, from the principal of the school and university funds, in sums of not less than five hundred, nor more than ten thousand dollars, to any one

corporation for the purposes of purchasing sites, constructing buildings, procuring apparatus and libraries, establishing endowments, and for such other purposes as may be necessary to promote the interests and success of any such institution of learning; *Provided*, That the town, village or city, in which such institution may or shall hereafter be located, shall at a general election or an annual town meeting, give its sanction to the making of the loan, and determine the amount to be loaned by any such aforesaid corporation for the purposes enumerated in this section; *And, provided also*, That no sum shall be loaned, on the bond of any town, village or city, that shall exceed twenty-five per cent, of the assessed valuation of property in said town or city. Proviso.

SEC. 2. When any corporation for educational purposes shall determine to ask such a loan it shall be the duty of the presiding officer and secretary, or the trustees of the institution, to deliver to the town, village or city clerk, in writing, such determination, stating the amount required, and it shall be the duty of said clerk to give notice of the application for such loan, stating the amount and terms thereof, with, and as a part of the notice required by law for such general or charter election or town meeting. Corporation to give notice to village or city clerk of intention to borrow.

SEC. 3. At any such election the legal voters of such town, village or city aforesaid, voting, shall deposit in a seperate box to be provided for that purpose, their ballots as follows: Those in favor of the loan, a ballot, on which the words "for the loan" shall be printed or written, and those opposed to such loan, a ballot on which the words "against the loan" shall be printed or written, such elections shall be held and conducted, and the votes canvassed as provided by law in all general elections, and if the majority shall be found in favor of the loan, then it shall be the duty of the supervisors of such town, or the trustees of such village, or the common council of such city, to issue the bond of such town, village or city, to the state of Wisconsin for the amount stated in the accompanying election notice, bearing seven per cent per annum interest. Vote on same.

SEC. 4. It shall be the duty of the secretary of state, when he shall receive the bond of any town, village or city, for the purposes expressed in the first section of this act, and shall be satisfied that the same was authorized and executed as herein provided, to file the same in his office, and direct the state or county treasurer, in whose hands any of the principal of the school and university Secretary of state's duty on receiving bond of any town or city.

funds may be, to pay to the treasurer of the institution, in whose favor the bond may have been issued, the amount secured by said bond, and further it shall be the duty of the secretary of state, in apportioning the taxes among the different counties of the state, to charge the county in which any institution may have borrowed any portion of the school and university fund, with the interest of the bond, at seven per cent, and it shall be the duty of the board of supervisors of such counties to add to the ratio of the state and county taxes, the amount annually due from any town, village or city in any such county in consequence of the issuing of its bonds as aforesaid, and it shall be the duty of the treasurer of any such town or city to return to the county treasurer the amount due the state on any such bond, with and as part of the state taxes to be paid over by him to the state treasurer, as state taxes, are required by law to be paid.

In case there is no money in treasury.

SEC. 5. If at the time of the making an application or the presentation of the bond there shall be no money belonging to the school and university fund in the treasury, it shall be the duty of secretary of state to file the bond of the town, village or city, as the case may be, and direct the treasurer to pay over to the treasurer of any institution in favor of which the bond may have been issued, the first moneys received into the treasury, on account of the principal of the school or university funds, until the amount received by such bonds shall have been fully paid, and to charge interest as heretofore provided upon such sums as shall have been advanced upon such bond as aforesaid, from the date of such advances, and all such bonds shall have precedence in the order of their date.

Repealed.

SEC. 6. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved October 13, 1856.

CHAPTER 144.

Published October 16.

An Act to amend an act to apportion and district anew the members of the Senate and Assembly of the State of Wisconsin.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The town of Primrose, in the county of Dane, is hereby attached to the fourth Assembly district in said county, and with the towns of Perry, Springdale, Blue Mounds, Cross Plains, Vermont, Berry, Black Earth and Roxbury, in the county of Dane, shall constitute an assembly district. Amendment.

SEC. 2. This act shall take effect immediately on its passage.

Approved October 14, 1856.

CHAPTER 145.

Published November 18.

An Act to regulate the boundaries of La Crosse, Jackson and Monroe Counties.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Towns 19, in ranges five and six west, in the county of Jackson, are hereby attached to, and shall hereafter be, and constitute a part of La Crosse county. Attached to La Crosse co.

SEC. 2. Towns 19, in ranges one, two, three and four west, in the county of Jackson, and town 19, in range one east, in said county, are hereby attached to, and shall constitute a part of the county of Monroe. To Monroe co

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved October 14, 1856.

JOINT RESOLUTIONS

OF THE

SENATE AND ASSEMBLY.

OF THE STATE OF WISCONSIN—SESSION OF 1856.

NUMBER 1.

Resolved by the Assembly, the Senate concurring, That the joint committee appointed to examine the books in the office of the state treasurer, secretary of state and school and university land commissioners, be, and they are hereby authorized and directed, to examine into the manner in which the school and university lands have been sold, and all such other matters connected with the selection, appraisal, management and disposition of said lands, and the funds arising therefrom, as said committee shall deem important, and for the interests of the state; and for the purpose of such examination, the said committee have full power and authority to send for persons and papers.

Investigating committee directed to examine the manner of sales of University lands, &c.

Presented to the Governor, February 28, 1856.

NUMBER 2.

Joint Resolution in relation to Islands in the Mississippi river.

Whereas, By the act of Congress of the United States, approved September 28th, 1850, granting to the several States in this Union the swamp and overflowed lands

In relation to islands in Mississippi riv—

within the borders of said States, the State of Wisconsin is justly entitled to the islands in the Mississippi river, east of the main channel of the Mississippi and St. Croix, as the said islands are situated wholly within the bounds of the State of Wisconsin, being east of the main channel of the Mississippi and St. Croix rivers.

Why not brought into market.

And whereas, The said islands have never been brought into market, for the reason that it has not as yet been ascertained at the proper department at Washington, whether the said islands are within the limits of this state, or in those of the state of Iowa.

Request to have a survey made.

Therefore, be it Resolved, That the President of the United States be, and he is hereby requested to cause a survey of said islands to be made, under the direction of the proper department of the general government, to the end that their locality be finally determined, and that they be set apart to the State of Wisconsin, as a part of the swamp and overflowed lands within her bounds, under the act of congress aforesaid, so far as the same may be found to lie east of the main channel of the Mississippi river.

Approved March 22, 1856.

NUMBER 3.

Authorising Wm. Crombie to dispose of certain timber, &c.

Resolved by the Assembly, the Senate concurring, That William Crombie be authorized to secure and dispose of the wood, timber and lumber which may have been cut upon or taken from lands owned by this state: *Provided*, No charge shall be made against the state for such service or for his services in protecting the swamp and overflowed land heretofore, unless enough of wood, timber or lumber is saved by the said Crombie, to pay the same: and he is hereby required to report to the secretary of state, under oath, the amount of his receipts upon such sales, on the first day of January, A. D. eighteen hundred and fifty seven, or within fifteen days thereafter; and any amount he shall have received over the amount his due for services rendered the state, in protecting the swamp and overflowed lands, shall be paid into the state treasury, with his report to the secretary of state.

Approved March 29, 1856.

NUMBER 4.

Joint Resolution of the Senate and Assembly of the State of Wisconsin to to the United States, in relation to the removal of the Stockbridge Indians.

Whereas, The difficulties heretofore existing in relation to titles to lands, at the town of Stockbridge, Calumet county, has materially retarded the improvement of that part of our state.

Providing for settlement with Munsee and Stockbridge Indians

And whereas, It is understood that lately an arrangement has been entered into, by a commissioner on the part of the United States and the Stockbridge and Munsee tribes of Indians, providing for a settlement of the said difficulties, and the removal of the said Indians to a new location, in the neighbourhood of the Menominee Indians.

And whereas, It is very desirable that the said arrangements be speedily carried into effect.

Therefore, Resolved by the Assembly, the Senate concurring, That his Excellency, the President, and the Hon. the Senate of the United States, be respectfully requested speedily to ratify and to carry into effect the said arrangement.

Resolved, That the Governor be requested to forward certified copies of this resolution to the President and the Senate of the United States.

Approved March 31, 1856.

NUMBER 5.

Joint Resolution in relation to the Stockbridge and Munsee Indians.

Resolved by the Senate and Assembly of the State of Wisconsin, That the assent of the state is hereby given to the locating, by the United States, of the Stockbridge and Munsee tribes of Indians, on a tract of land to be selected near the south line of the Menominee reservation.

Location of same in Menomonee reservation.

Approved September 16, 1856.

NUMBER 6.

Joint Resolution rescinding Joint Resolution entitled "Joint Resolution in relation to the Stockbridge and Munsee tribes of Indians."

Rescinded.

Resolved by the Senate and Assembly of the State of Wisconsin, That the joint resolution entitled "joint resolution in relation to the Stockbridge and Munsee tribes of Indians," be, and the same is hereby rescinded.

Approved October 18, 1856.

MEMORIALS

OF THE

SENATE AND ASSEMBLY

OF THE STATE OF WISCONSIN—SESSION OF 1856.

NUMBER 1.

emorial to Congress for the establishment of a mail route from La Crosse to Chippewa Falls, via Fountain City.

the Honorable the Senate and House of Representa-tives of the United States, in Congress assembled.

This memorial of the Legislature of the State of Wis-sin, respectfully represents:

hat the interest and convenience of a large number he inhabitants of the counties of La Crosse, Trempe-l, Buffalo and Chippewa, require the establishment of ail route, by land, from La Crosse via Fountain City, uffalo county, to Chippewa Falls, in the county of ppewa. Your memorialists would therefore respect- ask, that the aforesaid mail route may be estab-d at the earliest practicable period.

For mail route from La Crosse to Chippewa Falls.

pproved February 19, 1856.

NUMBER 2.

Memorial to Congress for the establishment of a Mail Route from Black River Falls to the county seat of Clark County.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled.

This Memorial of the Legislature of the State of Wisconsin respectfully represents:

For mail route from Black River Falls to Clark C. H.

That the interest and convenience of a large number of the inhabitants of the counties of Jackson and Clark require the establishment of a side mail route, from Black River Falls, in Jackson county, to Clark C. H., in the county of Clark.

Your memorialists would therefore respectfully ask that the aforesaid mail route may be established at the earliest practicable period.

Approved February 19, 1856.

NUMBER 3.

A Memorial to Congress for increase of mail service from Oconomowoc, in Waukesha county, to Aztalan, in Jefferson county, by way of Concord and Farmington.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

For mail route from Oconomowoc to Aztalan.

That the interest of a large and densely populated portion of the country would be greatly enhanced by an increase of mail service, on the route from Oconomowoc, in Waukesha county, to Aztalan, in Jefferson county, by way of Concord and Farmington.

Your memorialists would therefore respectfully ask your honorable body to establish a tri-weekly mail on the route indicated at the earliest practicable period.

Approved February 28, 1856.

NUMBER 4.

A Memorial to Congress for an appropriation to build a Post Office and United States Court House, in the city of Madison.

To the Senate and House of Representatives of the United States, in Congress assembled.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the Judge of the United States for this district is required by law to hold annually a term of the district court at Madison, the seat of government of this State. That there are no accommodations now provided for the court and its clerk and juries; and the rooms in the Capitol being required for the use of the State Officers, it is difficult to obtain other rooms suitable and convenient for the court.

For a post office and United States custom house.

The Post Office at Madison has now become one of much importance. Its business is largely increasing, and we are informed it now ranks in its receipts the second office in the State. It is not kept in a convenient or safe building, and we presume none such can be procured in the town.

We do therefore respectfully request that an appropriation may be made for the construction of a building in Madison, to be occupied by the Courts of the United States and by the Post Master, and that the Post Office and offices of the court be kept therein. That said building be constructed of stone, which is the material ordinarily used for building in this town, and that the sum of one hundred thousand dollars be appropriated for that purpose. And the Governor and Secretary of State are hereby authorized and required on the passage of the act making such appropriation, and on the application of the Secretary of the Treasury, to make and execute in the name of this State a relinquishment to the United States of the title to so much of the public square in the city of Madison on which the Capitol now stands, as shall be required for said building.

Duty of governor and secretary of state.

Approved March 6, 1856.

NUMBER 5.

Memorial to the Post Master General for the establishment of Mail Service on the route from Fox Lake via Kingston to Montello.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

For additional mail facilities between Fox Lake and Montello.

That at the last session of congress a mail route was established from Fox Lake, in Dodge county, via Kingston, to Montello, in Marquette county.

That the region of country bordering on said route is thickly settled, and that there are no adequate mail facilities between the points mentioned in said route.

That a tri-weekly stage is now running over said route, to accommodate the travelling public, and a railroad is projected over the same, upon which it is expected the work of construction will soon be commenced, and that the business interest and convenience of a large section of country urgently require the establishment of mail service on said route, at least tri-weekly.

The secretary of state is instructed to forward a copy of this memorial to the post master general.

Approved March 6, 1856.

NUMBER 6.

A memorial to Congress for a mail route from Dodgeville, in Iowa county, to Reedsburg, in Sauk county.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled.

The memorial of the Legislature of the State of Wisconsin respectfully represents:

For mail route from Dodgeville to Reedsburg.

That the convenience and interest of a large number of the inhabitants of Iowa and Sauk counties, require the establishment of a mail route from Dodgeville, in Iowa county, to Reedsburg, in Sauk county, by way of Wyoming, Spring Prairie and Bear Creek Valley.

Your memorialists would therefore respectfully pray that the above route may be established as a mail route at the earliest practicable period.

Approved March 6, 1856.

NUMBER 7.

A Memorial to the Post Master General for an increase of mail service on route number 13,756, and for other purposes.

To the Post Master General of the United States of America.

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That the present postal arrangements, by which the mail matter for south-western Wisconsin is sent across the Mississippi river, to be distributed at Dubuque D. P. O., greatly tends to delay, irregularity and uncertainty in the receipt of mail matter from the East and South, and that such difficulty would, in the opinion of your memorialists, be measurably obviated by the establishment of daily mail service on route No. 13,756, between Warren, Illinois, and Mineral Point, Wisconsin, and by directing all mail matter for Post Offices in Iowa, La Fayette, Grant, Richland and Crawford counties, in this state, to be distributed at Chicago D. P. O., and forwarded over the above mentioned route.

To discontinue distribution of certain mail matter at Dubuque and transfer to Chicago.

That in the opinion of your memorialists, the arrangement by which any mail matter for Wisconsin, is sent beyond the Mississippi river for distribution, works great wrong and hardship against the people of the western portion of this state, and could only have been adopted and continued by means of misrepresentation of facts, by interested parties, to the proper department of the federal government.

How obtained

Your memorialists therefore respectfully request the increase of service on the above named route, and the change in the postal arrangement above suggested, or such other change as the department may deem sufficient to obviate the difficulty caused by the present arrangement, be made as soon as practicable.

Increase of mail service.

The governor of this state is hereby requested to transmit copies of this memorial to the Post Master General of the United States, each of our senators and representatives, and the Hon. George Wallace Jones, senator from Iowa.

Approved March 6, 1856.

NUMBER 8.

Memorial to Congress for the establishment of a Mail Route from Mineral Point, in Iowa county, to Orion and Richland Centre, in Richland county.

To the Honorable the Senate and House of Representatives of the United States of America, in Congress assembled.

The Memorial of the Senate and Assembly of the State of Wisconsin respectfully represents:

For mail service from Mineral Point to Orion and Richland Centre.

That the rapid settlement and increase of business in the north-western portions of Iowa county, the north-eastern portion of Grant county, and the whole of Richland county, imperatively demands the establishment of a daily mail route, from Mineral Point via Linden, Constance, Highland and Pulaski, in Iowa county; and Muscoda, in Grant county, to Orion, in Richland county: thence to Richland Centre, county seat of Richland county.

Your memorialists would represent that there is now established, by private enterprise, a regular daily line of coaches, for the carrying of passengers, over the whole of said route, and that such is the delay and uncertainty of the mails to the above intermediate points and to Orion, that the greater part of the correspondence between the inhabitants of said points is being transmitted by private hands, rather than through the mails; that the length of said route, by actual survey, is thirty-one (31) miles.

Therefore, and in view of the comparative large nett profit to the department of the postal service in this state, your memorialists ask and respectfully insist upon the establishment by law, of such mail route.

The governor of this state is hereby requested to transmit a copy of this memorial to each of our senators and representatives in congress.

Approved March 6, 1856.

NUMBER 9.

Memorial to Congress for the establishment of a Mail Route, from Oshkosh, via Weyauwega and Stevens Point, in Portage County, to Clearwater, in the County of Chippewa.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled.

This Memorial of the Legislature of the State of Wisconsin respectfully represents:

For mail service from Oshkosh to Clearwater.

That the interest and convenience of the citizens of the counties of Portage, Clark and Chippewa, will be promoted by the establishment of a Mail Route from Oshkosh, via Weyauwega and Stevens Point, in Portage county, and via the County Seat of Clark county, to Clearwater, in the county of Chippewa.

Your memorialists represent, that the citizens who reside in the district of country through which the contemplated mail route will pass, are now destitute of mail facilities, except as they are supplied in a very imperfect manner, and by distances from their settlements, creating daily inconveniences.

Your memorialists believe, that the proposed route will afford facilities for Post Office communication to a large number of citizens, who, by their industry and enterprise, are now settling and improving a valuable district of country.

Approved March 6, 1856.

NUMBER 10.

Memorial to Congress for the establishment of a Mail Route, from Montfort, via Castle Rock, or Knowlton and Sylvester's Mill, Boscobel and Manhattan, in Grant county, and Marietta and Towerville, in Crawford county, to Viroqua, in Bad Ax county, in the State of Wisconsin.

To the Honorable the Senate and House of Representatives of the United States of America, in Congress assembled.

The Memorial of the Senate and Assembly of the State of Wisconsin respectfully represents:

Mail service from Montfort to Viroqua.

That the rapid settlement and increase of business on the route herein defined and indicated, to-wit: from Montfort, via Castle Rock or Knowlton and Sylvester's Mill, Boscobel and Manhattan, in Grant county, and Marietta and Towerville, in Crawford county, to Viroqua, in Bad Axe county, in the state of Wisconsin, imperiously require the establishment of a semi-weekly mail route, beginning, passing through and terminating as above defined.

Your memorialists present two considerations in favor of the route. The wants of the people require it, and the postal receipts on the route will defray the expenses of transportation, without devolving any loss upon the department.

Believing that Congress is at all times disposed to extend mail facilities to the citizens of the United States, where the use can be afforded without ruinous cost to the Post Office Department.

Therefore, Your memorialists pray that a law may be passed establishing the route indicated.

Upon the passage of this memorial, the Secretary of State shall transmit a copy thereof to each of our senators and representatives in Congress.

Approved March 7, 1856.

NUMBER 11.

Memorial to the Post Master General for an increase of mail service from Iron Ridge to Mayville.

To the Honorable the Post Master General of the United States:

That the interests and convenience of the citizens of Mayville, in the county of Dodge and State of Wisconsin, and the surrounding country, are deeply interested in the establishment of a daily mail from the Iron Ridge Station, on the Milwaukee and La Crosse railroad, to the village of Mayville, in said county of Dodge, a distance of six and one half miles, in place of the present weekly mail.

For mail service from Iron Ridge to Mayville.

Your memorialists therefore respectfully ask, that the aforesaid increase of mail service may be granted at the earliest practicable period.

The Governor of this State is requested to forward a copy of this memorial to the Hon. Charles Billinghurst, Representative in Congress from the third congressional district of the State of Wisconsin, (at Washington) as soon as practicable.

Approved March 18, 1856.

NUMBER 12.

A Memorial to Congress for an appropriation for a Marine Hospital at Milwaukee.

To the Honorable the Senate and House of Representatives of the United States of America, in Congress assembled.

The Memorial of the Senate and Assembly of the State of Wisconsin respectfully represents:

That the number of arrivals of vessels at the port of Milwaukee, during the navigable season of 1855, was two thousand, eight hundred and two, the total tonnage of which was nine hundred and eighty thousand seven hundred tons, that the total amount of duties collected at that

For appropriation for Marine Hospital at Milwaukee.

port during the year 1855, was one hundred and seventy three thousand, one hundred and thirty dollars; that the number of steam and sail vessels owned in, and sailing to and from the district of Milwaukee, during the same season, was one hundred and one, and that this number will be very greatly increased every succeeding year; that the aggregate value of the imports and exports of the port of Milwaukee, for the year 1855, as found by careful examination, was upwards of forty millions of dollars; that the commerce and navigation of the lakes employ every year, a very great number of sailors and seamen, many of whom are annually disabled from old age, sickness and infirmity, without the means of support, and dependant upon charity for their daily sustenance; that a humane regard for the health and lives of these unfortunate men, as well as a proper encouragement for others to engage in the hardy, but indispensible service of our lake navigation, requires the early construction of a Marine Hospital at Milwaukee, that being a central port in the district on the western coast of Lake Michigan.

Your memorialists therefore respectfully ask, that an adequate appropriation be made by Congress, at its present session, for the erection of a suitable Marine Hospital at Milwaukee.

Approved March 18, 1856.

NUMBER 13.

Memorial to Post Master General for increased Mail Facilities from Portage City to Stevens' Point, via Grand Rapids.

To the Honorable the Post Master General of the United States.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

For mail service from Portage city to Stevens Point.

That the interests and convenience of the citizens of Columbia, Adams county, in this State, would be much advanced by your favorable consideration of this memorial, viz.: the increase of facilities on the route from Portage city, in Columbia county, to Stevens Point, in Portage county, via of Grand Rapids, from one to three times a week.

Approved March 18, 1856.

NUMBER 14.

Memorial for a Mail Route from North Pepin to Chippewa Falls.

The people of the State of Wisconsin, represented in Senate and Assembly, respectfully represent:

That it would materially benefit the rapidly increasing population of the counties of Dunn and Chippewa, by establishing a weekly mail route from the village of North Pepin, in the county of Dunn, to Chippewa Falls, in the county of Chippewa, by the way of Clearwater Post Office.

For mail service from North Pepin to Chippewa Falls.

Your memorialists further state, that the people residing in that portion of the state through which the proposed route would pass, are imperfectly and poorly supplied with mail facilities, and that they would be greatly benefited by the establishment of the above named route.

Approved March 22, 1856.

NUMBER 15.

A Memorial to Congress for the establishment of a Mail Route from Reedsburg, in Sauk County, to Leon, in Monroe County.

The Memorial of the Legislature of the State of Wisconsin, respectfully represents:

That the interests and convenience of a large section of the state urgently demand the establishment of a weekly mail route, from Reedsburg, via Hamilton, Monawoc, Millard's Prairie, Glen Dale, Johnson's Mill, to Leon. The said route is the shortest and most direct course from Reedsburg to La Crosse, and once established, would become a great thoroughfare in the State.

For mail service from Reedsburg to Leon.

Your memorialists would therefore respectfully ask that said route may be immediately established.

Approved March 21, 1856.

NUMBER 16.

A Memorial to Congress for the establishment of Mail Routes therein named

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled.

The Memorial of the Legislature of the State of Wisconsin, respectfully showeth:

For mail route from Black River Falls to O'Gally's mills, &c.

That the interest and convenience of a large and rapidly settling portion of this State, would be greatly subserved by the establishment of a mail route from Black River Falls, in Jackson county, via Beef River Station, to O'Galley Mills, in Dunn county; also, by the establishment of a mail route from 12 mile Bluff, on the Mississippi river, in Buffalo county, to Chippewa Falls, in Chippewa county.

Your memorialists therefore respectfully ask, that the above named mail routes be immediately established, with such mail service thereon as may be deemed necessary.

Approved March 22, 1856.

NUMBER 17.

Memorial to the Post Master General, for the establishment of a Mail Route therein named.

To the Congress of the United States.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

For Mail route from Baraboo to Weston's mill, Clark co.

That the interest and convenience of a large portion of country are concerned in the establishment of a mail route, from Baraboo, in the county of Sauk, via Germantown, in the county of Juneau, and Grand Rapids, in the county of Portage, to Weston's Mill, on Black River, in the county of Clark.

Your memorialists therefore respectfully ask that the mail route, above referred to, may be immediately advertised for letting, and mail service established thereon.

Approved March 22, 1856.

NUMBER 18.

A Memorial for Daily Mail Service from the Village of Waupun to the City of Oshkosh.

To the Honorable the Post Master General of the United States:

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

For mail service from Waupun to Oshkosh.

That the interest and convenience of the citizens of a densely populated and large portion of country are concerned in the establishment of a daily mail, on route No. 13,718, which lies between the village of Waupun and the city of Oshkosh; that a railroad has been constructed and is now in operation, from the city of Milwaukee to Waupun; that the cars arrive at Waupun in time for the mail to be taken through the same day to the city of Oshkosh, which contains over four thousand inhabitants, and through which the inhabitants of a large section of country receive their mail matter.

Your memorialists therefore respectfully ask, that a daily mail, on the route above referred to, may be immediately established.

Approved March 22, 1856.

NUMBER 19.

Memorial to Congress to establish a daily Mail Route from Edgerton, in Rock county, to Cambridge, in Dane county.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

For mail service from Edgerton to Cambridge.

That the citizens of a densely populated portion of country are at present in great want of mail service, from Edgerton, in Rock county, to Cambridge, in Dane county, by Albion, Utica and Christiana, in Dane county. Two mail routes having recently been discontinued, without any provision having been made for mail service adequate to the necessities of the inhabitants, and as the proceeds of the offices would sustain a daily mail over said route.

Therefore, your memorialists respectfully ask your honorable body, to establish a daily mail on said route at the earliest practicable period.

Approved March 22, 1856.

NUMBER 20.

A Memorial to the Post Master General, for an increase of Mail Service on the Routes therein named.

To the Honorable the Post Master General of the United States.

The Memorial of the Legislature of the State of Wisconsin respectfully represents.

For mail service from Portage to La Crosse, &c.

That the interest and convenience of the citizens of a thickly populated portion of country are concerned in the establishment of a daily mail from Portage, in the county of Columbia, to La Crosse, in La Crosse county, by way of Sparta, in the county of Monroe, and of a tri-weekly mail from said Portage, in Columbia county, by way of Sparta, in said Monroe county, to the village of Trempeleau, (late Monteville,) in Tempeleau county, Wisconsin.

Your memorialists therefore respectfully ask, that the said mail service be established at the earliest period.

Approved March 22, 1856.

NUMBER 21.

A Memorial to Congress for the establishment of a Mail Route.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interest and convenience of a large number of citizens, require the establishment of a mail route from Reed's Landing, at the foot of Lake Pepin, in the territory of Minnesota, via the village of North Pepin, in Dunn county, Wisconsin, River Falls Post Office, Pierce county, to Hudson Post Office, in St. Croix county, Wisconsin, and that the service on said route be tri-weekly.

For mail service from Reed's Landing to Hudson.

Approved March 31, 1856.

NUMBER 22.

A Memorial to the Post Master General for an increase of Mail Service on a certain Mail Route.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That the present mail facilities on the route from Madison, via Baraboo, Sparta, Black River Falls and Menomonie, to Hudson, in St. Croix county, are entirely inadequate to the wants and necessities of a densely populated portion of the country, and that it is of the utmost importance the citizens of the towns of Hudson, Prescott, to Stillwater and St. Paul, and the entire population of northwestern Wisconsin and part of the territory of Minnesota, that such mail service should be increased to a daily mail, and that it is believed that if the same were established, it would cause no additional expense to the department.

For mail service from Madison to Hudson.

Approved March 31, 1856.

NUMBER 23.

Memorial to Congress for a Mail Route from Necedah, in Juneau county, via Clark County Court House, to Clearwater, in the county of Chippewa.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled.

This Memorial of the Legislature of the State of Wisconsin respectfully represent:

For mail service from Necedah to Clearwater.

That the interest and convenience of a large number of the inhabitants of the counties of Juneau, Portage, Jackson, Clark and Chippewa, demand the establishment of a mail route from Necedah, in the county of Juneau, to Clearwater, in the county of Chippewa, via Clark county Court House.

Your memorialists would therefore respectfully ask, that the aforesaid mail route may be established at the earliest practicable period.

Approved March 31, 1856.

NUMBER 24.

A Memorial to Congress for an Act to extend the Right of Pre-emption over unsurveyed lands, in the State of Wisconsin.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

To extend the right of pre-emption.

That the passage of a law similar to chapter 249, of the laws of congress, entitled "an act to extend the right of pre-emption over unsurveyed lands, in Minnesota, and for other purposes," approved August 4th, 1854, and extending the provisions of said law to the State of Wisconsin, would greatly facilitate the settlement of the public lands in this State.

Your memorialists would therefore urge the necessity of the passage of such an act.

Approved September 16, 1856.

NUMBER 25.

Memorial to Congress in behalf of the claims of Col John Shaw, of Marquette county, Wisconsin.

To the Honorable the Senate and House of Representatives, in Congress assembled.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

That your memorialists have learned that their venerable fellow-citizen, Col. John Shaw, has made application to Congress, for pay for three years services, during the entire war of 1812–'15, on the frontiers of Missouri and Illinois, as a spy or scout, say from the outbreak of the Indians in that region, in the spring of 1812, till the news of peace reached the north-western frontiers, in the spring of 1815; and also a claim of $13,684 93, for losses sustained to that amount during said war, in consequence of furnishing the Missouri and Illinois Rangers with various kinds of supplies, necessary for Mounted Rangers; that said Rangers not getting their pay till after they were disbanded, and scattered to their several homes, and elsewhere, Col. Shaw failed to receive his just dues from them, to the amount above mentioned; that said losses, sustained by his patriotic efforts to serve his country in her day of need, plunged him into embarrassments from which it required several years to extricate himself. For relief of Col. John Shaw.

Your memorialists further represent, that Col. Shaw bears, among his fellow citizens, a high and unblemished character for worth, integrity and enterprise, and none who know him doubt his statements as to his services, or the losses he represents himself to have sustained; and now, in his declining years, having nearly attained the age of seventy-four, and so nearly blind as to be incapacitated for any manual labor, he really needs all that is justly due from his country. A statement of his services may be found in the *Second Annual Report and Collections of the State Historical Society of Wisconsin*, which statement, your memorialists are satisfactorily informed, has been thoroughly tested by the officers of that society, and found to be worthy of the fullest confidence and belief.

Your memorialists, therefore, respectfully ask your Honorable body to give to the claim of Col. John Shaw, that careful attention and examination which they are well persuaded they justly deserve.

Approved October 4, 1856.

NUMBER 26.

A Memorial to Congress for a Mail Route.

To the Honorable the Senate and House of Representatives, of the United States.

The Memorial of the Legislature of the State of Wisconsin respectfully represents:

To extend mail route in Kewaunee co.

That the interest and convenience of a large and rapidly settling portion of the counties of Door and Kewaunee, urgently require the establishment of a weekly mail route, from Kewaunee, in said county of Kewaunee, to the mouth of the Ahnepe River, also in said county of Kewaunee, a distance of about twelve miles. There now being a weekly mail from Two Rivers, in the county of Manitowoc to Kewaunee, the establishment of this as a continuation of said route, would furnish mail service to a portion of the county now entirely destitute of this advantage, except at great inconvenience.

Your memorialists would therefore respectfully ask that said route may be established as speedily as possible.

Approved Oct. 9, 1856.

NUMBER 27.

Memorial to Congress for the passage of a Law confirming the selections of certain Lands by the State of Wisconsin.

The Memorial of the Senate and Assembly, of the State of Wisconsin, respectfully represents:

That the even numbered sections of land on the Fox River, in the State of Wisconsin, and within three miles of said river, were reserved from sale in the year 1848, (2-1849,) for the purpose of being donated to the State of Wisconsin, for the improvement of the Fox and Wisconsin rivers, and that with such expectations, settlers went on to said lands, and made large and valuable improvements, with the intention of making said lands a permanent residence for themselves and families; that many of such settlers have made improvements on said lands worth from one to two thousand dollars each, of which they are in possession at this time, and that such improvements or lands are not subject to taxation for any purpose whatever. That such settlers are very desirous of obtaining titles to said lands, upon which they have improvements as aforesaid, to secure their improvments for themselves and families.

For protection of settlers on lands reserved for improvement of Fox and Wisconsin rivers.

Your memorialists would now further represent, that at the time such settlements were made, it was generally believed that the selection of said even sections would be confirmed to this state, and the settlers, therefore, entered upon them in undoubted good faith, as pre emptors under the laws of this state.

That the said settlers are subjected to great inconvenience, and in many cases to serious loss, in consequence of the want of title to their homes, and that they look to congress as the only power to grant them relief.

Your memorialists would further state, that the even sections have always been treated by the general government as a part of the grant made for the improvement of the Fox and Wisconsin rivers, and that although the selection of such even sections has never been confirmed, the State has never yet been permitted to select other lands in lieu of them.

Your memorialists would therefore pray your honorable bodies to pass a law confirming the said sections of said even numbered sections, made by the state under the said grant, upon condition that said lands shall be secured to the settlers thereon, at a price not exceeding ten shillings per acre.

And your memorialists further represent, that by the acts of congress, appoved August 8, 1846, and August 3, 1854, as construed by the joint resolution of congress, of March 3, 1855, there was given to Wisconsin, in aid of the Wisconsin and Fox rivers, a quantity of land equal mile for mile of said improvement to five sections. The State considering that the improvement, commenced at Green Bay, on Lake Michigan, and extending through the Fox and Wisconsin rivers, to the Mississippi river, authorized its agent to select lands for the entire length of such improvement, and such selections have been nearly completed. The state and its assigns, the Fox and Wisconsin Improvement Company, claim that the title to the lands thus selected has already vested, and large sums of money have been expended upon the improvement, relying upon the confirmation and approval of the selections. But the commissioner of the general land office, regarding the Wisconsion river as no part of the contemplated improvement, has confined his approval of the selections under said acts and resolutions, to the Fox river, which is only about two thirds of the length of the actual line of the improvement. This work, confined to the Fox river and Portage canal alone, would be comparatively local and limited in its importance and benefits. The improvement of the Wisconsin river has always been included in the plans and aims of the State, in reference to this work, and considerable sums of money have already been expended, and still larger expenditures are contemplated, to make that river navigable for Mississippi steamboats. The improvement of the Wisconsin river is essential to effect the purpose of congress in making the grant and is also of great importance to all the States bordering upon the Mississippi river, as it will enable boats navigating that river and its tributaries, to unload their cargoes into the vessels of the great lakes. This connection between the Mississippi and the lakes, completes an unbroken steamboat communication between the valleys of the West and the Atlantic coast. It is believed that no measure of equal importance to the mutual interests of

the Western and Atlantic States has ever received the aid of the general government. Plans have been adopted for the improvement of both the Fox and Wisconsin rivers, requiring the expenditure of more than a million and a half of dollars in their complete execution. A large portion of this money has already been expended, and the State looks with entire confidence to the early completion of the work on an enlarged scale, commensurate with the commerce which it is designed to accommodate, and in a manner creditable to the enterprise of the company to whom the State has transferred its right of constructing the improvement, and it is but reasonable that the company shall have all the aid to accomplish the object, which a liberal construction of the acts of congress will afford them.

Your memorialists therefore ask, that selections of land for every mile of the Wisconsin river, from the Portage to the mouth of said river, under said resolution of March 3d, 1855, may be allowed and confirmed.

Approved October 10, 1856.

STATE OF WISCONSIN, } ss.
SECRETARY'S OFFICE.

The Secretary of State of the State of Wisconsin does hereby certify, that the laws, resolutions and memorials published in this book, have been compared with the original enrolled acts, resolutions and memorials deposited in this office, and that they appear to be correctly printed.

In Testimony Whereof, I have hereunto set my
. s.] hand, and affixed the Great Seal of said State, at the Capitol, in Madison, this 15th day of December, 1856.

D. W. JONES,
Secretary of State.

APPROPRIATIONS.

No.	Date.	To whom, and for what appropriated.	Amount.
1	Jan'y. 25..	Samuel G. Bugh, clerk of the senate.....	$ 50 00
1	do ..	David Atwood, clerk of the assembly.....	50 00
2	Feb'y. 1...	B. F. Leland, contesting seat.....	50 00
3	do 4...	James Halpin, balance on stationery.....	925 99
4	do 6...	Com. of State Prison, overwork of prisoners....	9,000 00
5	do 9...	J. S. Sherwood, iron for State Prison.....	3,349 50
6	do 8...	Du Ray Hunt, clerk in secretary's office.....	667 50
7	do 12..	Alfred Hoskins, serving requisition.....	85 75
8	do 12..	do do	43 50
9	do 15..	John Hutchinson, conveying State Prison.....	53 00
10	do 15..	Emory Healy, b'ding and guarding convict....	17 85
11	do 20..	Joseph Baker, sergeant-at-arms senate.....	105 00
11	do 20..	O. J. Soper, 1st ass't do do	87 50
11	do 20..	Jacob Preus, 2d ass't do do	87 50
11	do 20..	J. J. Jones, post master senate.....	87 50
11	do 20..	Hiram Morley, ass't post master senate.....	87 50
11	do 20..	George Stearns, door keeper senate.....	87 50
11	do 20..	D. S. Thayer, ass't door keeper senate.....	87 50
11	do 20..	Abner Rouse, fireman senate.....	87 50
11	do 20..	Samuel C. Bangs, do	87 50
11	do 20..	Alfred Woodard, do	30 00
11	do 20..	Patrick White, messenger senate.....	87 50
11	do 20..	Arthur T. Howe, do	87 50
11	do 20..	Egbert Mosley, sergeant-at-arms assembly.....	105 00
11	do 20..	T. Sergent, 1st ass't do do	87 50
11	do 20..	M. Ten Eyck, 2d ass't do do	87 50
11	do 20..	C. Great, 1st ass't door keeper do	87 50
11	do 20..	John Dean, 2d ass't do do	87 50
11	do 20..	Emanuel Slade, 3d ass't do do	87 50
11	do 20..	C. Menges, messenger assembly.....	87 50
11	do 20..	L. Merrill, do	87 50
11	do 20..	William Slightam, do	87 50
11	do 20..	E. Tobins, do	87 50
11	do 20..	A. S. Gray, post master assembly.....	87 50
11	do 20..	P. Thomas, 1st ass't post master assembly...	87 50
11	do 20..	S. Levy, 2d ass't do do	87 50

No.	Date.	To whom, and for what appropriated.	Amount.
72	March 28..	James O. Bartlett, conveying state prison	$ 51 75
73	do 28..	V. W. Roth, gold pens	41 50
74	do 28..	E. Mosly, sergeant at-arms assembly	54 00
74	do 28..	C. Sargeant, ass't do do	45 00
74	do 28..	M. Ten Eyck, ass't do do	45 00
74	do 28..	A. S. Gray, post master do	45 00
74	do 28..	P. Thomas, ass't do do	45 00
74	do 28..	S. Levy, ass't do do	45 00
74	do 28..	C. Grote, door keeper do	45 00
74	do 28..	J. Dean, ass't do do	45 00
74	do 28..	E. Slade, do do do	45 00
74	do 28..	M. Adams, fireman do	45 00
74	do 28..	P. Phinegar, do do	45 00
74	do 28..	E. Cramer, do do	45 00
74	do 28..	E. Tobin, messenger do	45 00
74	do 28..	L. Merrill, do do	45 00
74	do 28..	Wm. Slightam, do do	45 00
74	do 28..	C. Menges, do do	45 00
74	do 28..	Joseph Baker, sergeant-at-arms senate	54 00
74	do 28..	O. J. Soper, ass't do do	45 00
74	do 28..	J. H. Preus, ass't do do	45 00
74	do 28..	J. J. Jones, post master do	45 00
74	do 28..	Hiram Mosley, ass't post master do	45 00
74	do 28..	G. Stearns, door keeper do	45 00
74	do 28..	D. L. Thayer, do do	45 00
74	do 28..	A. Rouse, fireman do	45 00
74	do 28..	S. C. Bangs, do do	45 00
74	do 28..	A. Woodward, do do	45 00
74	do 28..	A. T. Howe, messenger do	45 00
74	do 28..	Patrick White, do do	45 00
75	do 28..	Matthias Martin, sen, services about capitol	125 00
76	do 28..	Joseph Gates, conveying state prisoner	272 39
77	do 28..	Edmond Gibbs, fixing gas, &c	53 27
78	do 28..	Rood & Goodrich, stationery, &c	32 00
79	do 28..	J. J. Ehle, conveying state prisoner	72 25
80	do 28..	Wellstood, Hanks, Hay & Whiting, printing	101 25
81	do 28..	Charles Smith, serving requisition	86 [illegible]
82	do 28..	D. K. Warren, serving requisition	75 45
83	do 28..	John W. Hunt, room rent	10 [illegible]
84	do 28..	E. H. Janssen, work done under banking law	500 00
85	do 28..	Heinrich Seifert, geological maps	200 00
86	do 28..	A. F. Gallup, conveying prisoners	300 00
87	do 28..	Lorania Bird, services of her husband	200 00
88	do 28..	Dunning & Paine, sundries	78 3[illegible]
89	do 28..	Thomas McGlin, sen., services about capitol	140 00

No.	Date.	To whom, and for what appropriated.	Amount.
90	March 29..	Peter Lavis, Joint committee to visit the Deaf and Dumb Institute..	$ 20 00
90	do 29..	A. A. Bird, Joint committee to visit the Deaf and Dumb Institute..	20 00
90	do 29..	G. E. Dexter, Joint committee to visit the Deaf and Dumb Institute..	20 00
90	do 29..	J. Sutherland, Joint committee to visit the Institute for the Blind.....	15 00
90	do 29..	C. Walker, Joint committee to visit the Institute for the Blind.....	15 00
90	do 29..	D.D. Cameron, Joint committee to visit the Institute for the Blind.....	15 00
90	do 29..	D. Worthington, Expenses as Joint Committee to visit the State Prison	25 00
90	do 29..	Edward Pier, Expenses as Joint Committee to visit the State Prison	25 00
90	do 29..	A. Greulich, Expenses as Joint Committee to visit the State Prison	25 00
90	do 29..	P. Johnson, Expenses as Joint Committee to visit the State Prison	25 00
90	do 29..	H. Crawford, Expenses as Joint Committee to visit the State Prison	25 00
91	do 29..	J. W. Ackerman, preparing iron for prison....	1,012 03
92	do 29..	L. B. Dodge, sundries furnished prison.....	89 44
93	do 31..	Anton Barlin, services in and about capitol....	124 50
93	do 31..	Moritz Pritzsch do do	124 50
93	do 31..	Matthias Martin, jr., do do	124 50
93	do 31..	John Hollihan, do do	124 50
93	do 31..	Thomas McGlin, sen., do do	124 50
93	do 31..	Matthias Martin, sen., do do	124 50
93	do 31..	Pierson Wood, do do	124 50
93	do 31..	John Kiner, do do	124 50
93	do 31..	James Doolin, do do	124 50
93	do 31..	Patrick Galooly, do do	124 50
93	do 31..	Hugh Kelley, do do	124 50
93	do 29..	Constantine Abaly, do do	124 50
93	do 29..	Thomas Dorhorty, do do	124 50
93	do 29..	Charles Eastman, do do	124 50
93	do 29..	James B. Briton, chaplain.....	50 00
93	do 29..	James Cooper, do	50 00
93	do 29..	H. M. Hinebaugh, do	50 00
93	do 29..	Francis Etchman, do	50 00
93	do 29..	N. H. Eggleston do	50 00
93	do 29..	Henry F. Bond, do	50 00
94	do 29..	T. B. Elliot, services before committee.....	200 00
95	do 29..	John Wright, account rendered.....	33 75
96	do 31..	O. M. Dering, sheriff of La Fayette.....	68 50
97	do 31..	Shœffler & Wendt, papers for legislature.....	447 14
98	do 31..	Calkins & Proudfit.....	520 20
99	do 31..	Commissioner of State Prison, main building.	10,000 00
00	do 31..	Atwood & Rublee, printing.....	100 00
01	do 31..	Shœffler & Wendt, advertisements.....	77 38
02	do 31..	D. H. Wright, ass't sup't of public property..	441 93
03	do 31..	S. G. Stacy, acting state superintendent.....	200 00
04	do 31..	Rublee & Gary, advertising.....	18 4
05	do 31..	Com'r. of State Prison, defraying expenses...	23,000 (

No.	Date.	To whom, and for what appropriated.	Amount.
106	March 31	Sloan & Stewart, material, lunatic asylum	$ 50 00
107	do 31	O. C. Buck & Co., furniture	68 63
108	do 31	R. W. Lansing, clerk in superintendent's office	50 00
109	do 31	S. V. Shipman, plans and specifications	45 00
110	do 31	S. G. Benedict, stamps for offices	60 00
111	do 29	Matthias Martin, night watch	67 00
112	do 31	Simeon Mills, investigating	260 00
112	do 31	James R. Mears, do	245 00
112	do 31	Edward Illsley, do	210 00
112	do 31	W. T. Atwood, do	65 00
112	do 31	W. H. Hampson, do	60 00
112	do 31	Simeon Dean, do	55 00
112	do 31	C. M. H. Meyers, do	47 50
112	do 31	D. W. Driggs, do	45 50
113	do 29	Calkins & Proudfit, printing	4,806 45
114	do 29	Daniel Noble Johnson, writing	156 00
115	do 31	Jonathan Olive, conveying state prisoner	220 00
116	do 29	James Hickcox, services in library	200 00
117	do 31	D. K. Warren, sheriff, Waukesha	85 00
118	do 31	William Lamp, services about capitol	31 76
119	do 31	Samuel R. Fox, Hardware	30 00
120	do 31	John Taylor, painting state prison	114 50
121	do 31	La Fayette Kellogg, clerk supreme court	202 68
122	do 31	A. W. Stark, late state prison commissioner	272 28
123	do 31	S. S. Conover, conveying state prisoner	385 00
124	do 31	Levi S. Avery, conveying state prisoner	93 50
125	Sept'r. 16	C. B. Carrington, deputy sheriff of Dodge	22 75
126	do 26	Joseph Baker, sergeant-at-arms senate	83 00
126	do 26	Egbert Mosely, do assembly	83 00
127	do 27	William F. Beaver, surveying	9 00
128	do 19	B. B. Baldwin, work done at state prison	19 50
129	do 29	R. Carrington, order accepted by state	80 00
130	October 1	James Halpin, sup't of public property	247 71
131	do 6	Calkins & Proudfit, state printers	11,024 83
132	do 6	J. H. Preus, stationery for legislature	3,000 00
133	do 6	Joseph Baker, summoning witnesses	39 [illegible]
134	do 6	Cin'ti type foundry, assignees of R. King & Co.	3,200 00
135	do 7	Byron Paine, chief clerk senate	500 00
135	do 7	James Armstrong, chief clerk assembly	500 00
135	do 7	L. C. McKenny, ass't clerk senate	400 00
135	do 7	Wm. P. Dewey, ass't clerk assembly	400 00
135	do 7	D. S. Griffin, transcribing clerk	250 00
135	do 7	E. Stansbury, do do	250 00
135	do 7	Wm. E. Carter, enrolling do	250 00
5	do 7	J. G. Sadd, do do	250 00

No.	Date.	To whom, and for what appropriated.	Amount.
136	October 9..	Daniel H. Chandler, reports of supreme court..	$ 600 00
137	do 10..	Adams & Wilson, hardware	97 90
138	do 9..	Samuel R. Fox, hardware	244 43
169	do 9..	Temple Clark, clerk to prepare code	20 00
139	do 9..	James Hopkins, do do	20 00
139	do 9..	Samuel Dunn, clerk land grant committee	15 00
140	do 9..	D. S. Durrie, Wisconsin reports	130 50
140	do 9..	Weed & Eberhard, do	144 00
141	do 9..	David H. Wright, carpenter work	46 00
142	do 9..	S. G. Benedict, machine stamps	42 75
143	do 9..	Matthias Martin, sen., work about capitol	83 00
143	do 9..	Pierson Wood, do do	83 00
143	do 9..	A. M. Pritsch, do do	83 00
143	do 9..	John Hollihan, do do	83 00
143	do 9..	Thomas McGlinn, sen., do do	83 00
143	do 9..	John Riner, do do	83 00
143	do 9..	James Doolin, do do	83 00
143	do 9..	Patrick Galluly, do do	83 00
143	do 8..	Constantine Ablis, do do	83 00
143	do 9..	Thomas Dougherty, do do	83 00
143	do 9..	Matthias Martin, 2nd do do	83 00
144	do 9..	Joseph Keyes, ass't supt of public property..	412 50
145	do 11..	D. S. Durrie, books and stationery	117 86
146	do 11..	Andrew Sexton, notes and references to laws..	67 38
147	do 11..	James Murdock, selecting land	495 00
148	do 11..	E. Moseley, sergeant-at-arms assembly	250 00
148	do 11..	Joseph Baker, do senate	250 00
148	do 11..	D. L. Thayer, ass't do do	200 00
148	do 11..	James Halpin, ass't sergeant at-arms assembly.	200 00
148	do 11..	Alfred Woodward, do senate	150 00
148	do 11..	G. L. Long, do do	150 00
148	do 11..	P. Thomas, post master assembly	150 00
148	do 11..	Duane Bird, ass't post master assembly	150 00
148	do 11..	J. J. Jones, post master senate	150 00
148	do 11..	Samuel K. Bangs, door keeper senate	150 00
148	do 11..	O. K. Lawrence, do do	150 00
148	do 11..	Simon Levy, do do	150 00
148	do 11..	Charles Sargent, do do	150 00
148	do 11..	J. Duffy, fireman senate	100 00
148	do 11..	J. Dolan, do do	100 00
148	do 11..	Matthias Martin	100 00
148	do 11..	Patrick White, messenger	100 00
148	do 11..	Arthur T. Howe, do	100 0
148	do 11..	Frederick Farr, do	100 0
148	do 11..	Charles E. Moseley, do	100 0

No.	Date.	To whom, and for what appropriated.	Amount.
148	Oct'r. 11..	Andrew T. McCormick, messenger	$ 100 00
148	do 11..	Byron Van Dyke, do	100 00
149	do 11..	J. Q. Henning, plats	25 00
150	do 11..	Wm. H. Wallis, enrolling laws	50 00
151	do 11..	Gleason and Houghton, hardware	70 [illegible]
152	do 11..	J. H Preus, sup't of public property	160 00
153	do 11..	Robert J. Smith, sundries	77 25
154	do 11..	A. F. Phillips, military store keeper	368 00
155	do 11..	P. Thomas, post master assembly	41 50
155	do 11..	L. Levy, do do	41 50
155	do 11..	J. J. Jones, do senate	41 50
155	do 11..	D. L. Thayer, do do	41 50
156	do 13..	Atwood & Rublee, papers for legislature	120 [illegible]
157	do 13..	Marshall Ten Eyck, messenger	100 [illegible]
158	do 13..	Weed & Eberhard, account rendered	663 55
159	do 13..	S. S. Conover, sheriff of Milwaukee	150 [illegible]
160	do 13..	J. A. Hall & Co., wall paper	73 [illegible]
161	do 15..	Proprietors of the Emigranten, papers	50 00
162	do 13..	Wm. H. Wallis and Jas. M. Flowers, enrolling	25 [illegible]
163	do 13..	John F. Potter, sec'y of investigating	35[illegible] [illegible]
164	do 13..	S. G. Benedict, services	9 [illegible]
165	do 13..	M. R. Keegan, investigating	45 [illegible]
166	do 13..	S.R.Fox & T.Brown, as'g's O.C.Buck & Co.fur'e	739 [illegible]
167	do 13..	John W. Tierney, night watch	166 [illegible]
167	do 13..	John Duffy, fireman	50 [illegible]
167	do 13..	Matthias Martin, do	50 [illegible]
167	do 13..	James Dolin, do	50 [illegible]
168	do 11..	James O. Bartlett, sheriff of Racine	153 [illegible]
169	do 13..	Samuel Klauber & Co., carpets, &c	536 [illegible]
169	do 13..	D. C. Poole, account rendered	79 [illegible]
169	do 13..	J. Cooper, chaplain	25 [illegible]
169	do 13..	J. B. Britton, do	25 [illegible]
169	do 13..	Francis Etchman, do	25 [illegible]
169	do 13..	N. H. Eggleson, do	25 [illegible]
169	do 13..	H. F. Bond, do	25 [illegible]
169	do 13..	H. M. Heinbaugh, do	25
172	do 13..	J. Gates, sheriff of Walworth	55 [illegible]
173	do 13..	Alexander J. McBride, wood	200 [illegible]
174	do 13..	Ethridge, Shoemaker & Co, boxes	22 [illegible]
175	do 13..	Tibbitts & Gordon, hardware	237 [illegible]
176	do 13..	James S. Baker, clerk investigating	50 [illegible]
177	do 13..	Mears & Ripley, lumber	70 [illegible]
178	do 13..	Wellstood, Hanks, Hays & Whiting, engraving	300 [illegible]
179	do 13..	Joseph J. Ehle, sheriff of Kenosha	55 [illegible]
180	do 13..	Lewis Lillie, safe and bank locks	1,000 [illegible]

No.	Date.	To whom, and for what appropriated.	Amount.
181	Oct'r. 13..	I. A. Lapham, services	50 00
182	do 13..	J. P. Atwood, taking deposition	30 00
183	do 13..	Joseph Keyes, ass't sup't of public property	93 00
184	do 13..	John Kean, services about capitol	100 00
184	do 13..	John Flood, do do	100 00
184	do 13..	Frank Smith, do do	100 00
184	do 13..	Matthias Weeks, do do	100 00
184	do 13..	Michael Goss, do do	100 00
184	do 13..	Ole Torgerson, do do	100 00
184	do 13..	Peter Cogue, do do	100 00
185	do 13..	E. W. Sherman, messenger	15 00
186	do 13..	J. D. Bradford, painting	283 50
187	do 13..	Charles Keuhn, freight, &c	148 25
188	do 13..	T. W. Geisse, clocks	10 50
189	do 13..	Dunning & Paine, account rendered	119 79
190	do 13..	James M. Flower, enrolling	20 00
191	do 13..	C. J. Kidd, work and materials	815 91
192	do 13..	Wm. H. Wallis, enrolling	25 00
193	do 13..	Bradford Brothers, carpeting	557 83
194	do 13..	Edward B. Forman, messenger	100 00
195	do 13..	Luke Kaly, work about capitol	83 00

STATE OF WISCONSIN, } ss.
SECRETARY'S OFFICE.

I, JOHN W. HUNT, Ass't Secretary of State, of the State of Wisconsin, do hereby certify that I have compared the foregoing list with the original acts of appropriations deposited in this office, and that the same is a complete list of all the appropriations made at the last session of the Legislature, except such as are printed at length in this volume.

In Testimony Whereof, I have hereunto set my hand, and affixed the Great Seal of the State, at the Capitol, in Madison, this 15th day of December, eighteen hundred and fifty seven.

[L. S.]

JOHN W. HUNT,
Ass't Secretary of State.

INDEX.

INDEX.

INDEX.

A.

AMENDMENTS—to chapter 85, general laws 1855 7

to chapter 74, general laws of 1856 120

to chapter 75, revised statutes 8

to chapter 47, " 9

to chapter 67, " 39

to chapter 35, " 50

to chapter 30, " 94

to chapter 16, " 94

to chapter 79, " 96

to chapter 12, " 102

to chapter 84, " 104

to chapter 386, " 137

to amend chapter 24, Revised Statutes 266

to amend act to apportion and district anew members of Senate and Assembly 269

ALLISON—to change name of James Henry 20
to change name of Eliza Lucy 20

AGRICULTURE—act to encourage 79
an act to amend above act 120

APPORTIONMENT—act to apportion the state 111

ACTIONS AT LAW—act concerning 121

APPROPRIATIONS—For postage of Legislature 8–13–22
for stationery for next Legislature 11
" " State Officers 12
for printing in foreign languages 21
for Blind Asylum 22
for carrying into effect the Banking Law 24
for Gas Lights 63
for payment of Clerks 63
for contingent expenses 67
for State Historical Society 85
for State Treasurer 87
for Postage of State Officers 92
legislative officers 109
to sup't public instruction for clerk hire 262
appropriations for 1856 297–305

B.

BLIND ASYLUM—appropriation for support of 22

BANKING LAW—To more fully give effect to General Banking Law 24

BURGESS, S. S.—act to make certain infant his heir-at-law 91

BURNETTE COUNTY—act to organize 98

BOUNDARIES—act regulating boundaries of La Crosse, Jackson and Monroe 222

C.

COLUMBIA COUNTY—in regard to Circuit Court 7

CENSUS—act to allow Secretary of State to audit accounts of census takers 10

COWLES, HARRIET—to change name 35

CAPITOL SQUARE—act for protection 36

COUNTY JUDGES—act in regard to 99–106

CLARK COUNTY—act to organize 101

CIRCUIT COURTS—act in regard to Columbia county 7
act in regard to Rock county 14
act in regard to Polk county 16
act in regard to St. Croix county 16
act in regard to Pierce county 16
act in regard to Chippewa county 16
act in regard to Brown county 17–34
act in regard to Outagamie county 17–34
act in regard to terms in 3d Circuit 42
act in regard to terms in 7th Circuit 46
act in regard to clerks 86
act in regard to Milwaukee county 92 237
act in regard to Waukesha county 237

County Boards—act to allow county boards to publish notices in foreign languages 138

Code of Practice—act establishing 139
when to take effect 230

D.

Dodge County—act to divide 30

Dress, John—to change name 38

Deeds—in regard to recording 44

Dunn County—act to organize for judicial purposes 95

E.

Evidence—act concerning 35

Eau Claire County—act to organize 134

F.

Felds, John S.—to change name 16

Frantz, A.—to change name 42

Fraud—to prevent fraud in selling grain, &c. 93

Fox & Wisconsin Improvement—act in relation to 123

G.

George, Arthmas Ewell—to change name, &c 18

Guardians—act in regard to non-resident guardians 81

Grain—act to prevent fraud in selling 93

H.

History of Wisconsin—act to distribute 15

Highways—the guide board law 36

I.

Interest—act in regard to interest rates 66

Investigating Committee—act to defray expenses 104

Incorporated Cities and Villages—authorized to regulate auction sales 225

J.

Jefferson County—act to annex part of Dodge county 30

Jopst, A.—to change name 62

Juneau County—act to organize 233

Jackson County—act regulating boundary 269

JointResoluti o s 271–274

K.

Kreine, Eva Viola—to change name 47

Kewaunee Co.—attached to 4th Judicial Circuit 86

L.

Langrishe, J. S. F.—act in regard to name 16

La Fayette County—act to provide for selling lands for taxes 106

LUNATIC ASYLUM—act to provide a settlement with Andrew Proudfit 132

LAND GRANT—act accepting the grant for railroads 137
act disposing of same 217-239
act supplementary 263
act amendatory and supplementary 263

LIEUTENANT GOVERNOR—act to pay for certain services 224

LA CROSSE COUNTY—act regulating boundary 269

M.

MURDER—act in regard to bail 83
act in regard to applying for pardon 90

MILITIA—act in relation to First Division 105

MONROE COUNTY—act regulating boundary 269

MEMORIALS—memorials of Senate and Assembly ..... 275 to 295

N.

NAMES—to change name of John S. Folds to John S. F. Langrishe. 16
to change name of A. E. George 18
" " Eliza Lucy Allison 20
" " James Henry Allison 20
" " Wm. Ramminger 29
" " H. Cowles & Infant 35
" " John Dress 38
" " Ella P. Ward 38
" " Salina Richardson 41
" " A. Frantz 43
" " Eva Viola Keene 47

To change the name of Elizabeth Van Antwerp 49
" " Adam Jopst 62
" " Thomas Wilson 62
" " F. E. Sherman 67
" " E. Slade 68
" " F. E. Webster 68
" " Henriette Selsemeier 69
" " Geo. R. Rockwell 70
" " M. H. Percell 70
" " F. D. Gregory 70
" " Isabella M. Maynard 71
" " Phillip Albert 71
" " F. Perry 72
" " Joseph Pinney 73
" " Lewy family 73
" " Hoffman family 74
" " Geo. Smith 77
" " Ellen Olivia Howes 107

NOTARIES PUBLIC—act concerning 136

P.

POSTAGE—to pay postage for Legislature 8–13
to pay postage for State Officers 92

PRINTING—to pay for printing in foreign languages 21

POOR—County Superintendents to give bonds 45

PORTAGE CO.—act to divide 64
act to amend above act 110

R.

REVISED STATUTES—to amend chapter 75 8
to amend chapter 47 9
to amend chapter 67 39
to amend chapter 35 50
act for new revision 76–230
act to amend chapter 30 94
act to amend chapter 16 94
act to amend chapter 79 96
act to amend chapter 12 102
act to amend chapter 84 104

RELIGIOUS SOCIETIES—act in regard to 9

ROCK CO.—act in regard to Circuit Court 14

RAMMINGE, WM.—act to change name 29

RICHARDSON, SALINA—to change name 41

RAILROADS—to allow certain towns to aid the Milwaukee & Beloit Railroad 25
in regard to crossing each other 29
act accepting Railroad Land Grant 137
act disposing of same 217–239
general act in regard to Railroads 213
punishment for obstructing 232
supplementary to Land Grant Act 263
amendatory and supplementary 263

S.

SECRETARY OF STATE—to audit accounts for taking census in 1855.. 10
to audit accounts for postage.....13–22
to audit accounts for printing in foreign languages..... 21
to audit certain accounts..... 40
to audit certain accounts for gas..... 63
to audit certain accounts for clerk hire..... 231
to employ clerks..... 63
to audit accounts for newspapers..... 74
to audit a certain account..... 78
to audit certain accounts..... 103
to audit accounts of Registers of Deeds, and witnesses, in investigating affairs of State Officers..... 261
to audit accounts of State Historical Society, for postage... 260

STATIONERY—to provide for purchase for next Legislature..... 1
to provide for purchase for State Officers..... 1

SHERMAN, F. E.—to change name..... 6

SUPREME COURT REPORTS—act to provide for purchase..... 10

SCHOOL DISTRICTS—act to distribute History of Wisconsin to..... 1

SLADE, E.—to change name..... 6

SELSEMIER, HENRIETTA—to change name..... 6

SCHOOL FUND—to remit certain forfeitures and extending time to pay interest..... 2
commissioners to report monthly sales..... 4
" pay Clerks..... 9

SUP'T OF PUBLIC INSTRUCTION—allowed to subscribe for Journal of Education 27
School Land Commissioners to report to 43

SWAMP LANDS—act to dispose of 226

SHAVER, CARRIE—constituted heir-at-law of G. & L. M. Shaver 50

STATE PRISON—act in regard to 51

STATE TREASURER—act for extra compensation 87

SIERRA FACIAN—act in regard to 87

SUITS IN EQUITY—act concerning 121

STATE OFFICERS—act to provide for an annual examination of accounts 135

SNAP DRAGON—act in regard to 235

SALARIES—act in regard to certain salaries 239

T.

TAXES—act to extend time of collecting in certain cases 19
act to levy state tax 234
act to levy special taxes for bridges 236

U.

UNIVERSITY FUND—to remit forfeitures and extend time to pay int'st 23
to appropriate the income to University 84
to provide for paying clerks 97
to defray expenses of locating lands 105

V.

VAN ANTWERP, ELIZABETH—to change name 49

W.

WARD, ELLA P.—to change name 38

WEBSTER'S DICTIONARY—to purchase a certain number 239

WINNEBAGO CO.—boundaries defined 48

WILSON, THOMAS—to change name 62

WOOD CO.—act to erect 64
act to amend above act 110

WEBSTER, F. E.—to change name 68

WISCONSIN RIVER—act in regard to obstructions 78
act in regard to booms 82

11254